

## **Item SP06-04 Response Form**

**Title:** **Title 2. Trial Court Rules** (adopt rules 2.1, 2.3, 2.20, 2.101–2.119, 2.130–2.134, 2.140–2.141, and 2.805 of the California Rules of Court; renumber rules 243.3, 243.4, 892, and 859 as rules 2.580, 2.585, 2.958, and 2.1008, respectively; amend and renumber rules 200, 201, 201.4, 227, 982.9, 385, 201.6, 2050, 2052–2061, 2002–2008, 243, 2070–2073, 2074–2077, 243.1–243.2, 243.5–243.8, 243.10–243.21, 243.30–243.34, 984.4, 984, 984.1–984.3, 825, 980.4, 980.5, 980.6, 891, 980, 862, 861, 860, 859, 858, 231, 243.9, 855, 229, 989, and 826 as rules 2.2, 2.135, 2.100, 2.30, 2.150, 2.200, 2.210, 2.250, 2.252–2.261, 2.300–2.306, 2.400, 2.500–2.503, 2.504–2.507, 2.550–2.551, 2.570–2.573, 2.800, 2.810–2.819, 2.830–2.834, 2.850, 2.851, 2.852–2.854, 2.900, 2.950, 2.952, 2.954, 2.956, 2.970, 2.1002, 2.1004, 2.1006, 2.1008, 2.1010, 2.1030, 2.1040, 2.1050, 2.1055, 2.1058, and 2.1100, respectively; and repeal rules 200.2, 233, 243.10, 245.5, 830, 890, 2001, 2009, 2051, and 2073.5)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- ☐ **Commenting on behalf of an organization**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

*Circulation for comment does not imply endorsement by the Judicial Council  
or the Rules and Projects Committee  
All comments will become part of the public record of the council's action.*

**Address:** Ms. Romunda Price,  
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<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, March 3, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

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or the Rules and Projects Committee  
All comments will become part of the public record of the council's action.*

## Invitation to Comment (SP06-04)

Title	<p><b>Title 2. Trial Court Rules</b> (adopt rules 2.1, 2.3, 2.20, 2.101–2.119, 2.130–2.134, 2.140–2.141, and 2.805 of the California Rules of Court; renumber rules 243.3, 243.4, 892, and 859 as rules 2.580, 2.585, 2.958, and 2.1008, respectively; amend and renumber rules 200, 201, 201.4, 227, 982.9, 385, 201.6, 2050, 2052–2061, 2002–2008, 243, 2070–2073, 2074–2077, 243.1–243.2, 243.5–243.8, 243.10–243.21, 243.30–243.34, 984.4, 984, 984.1–984.3, 825, 980.4, 980.5, 980.6, 891, 980, 862, 861, 860, 859, 858, 231, 243.9, 855, 229, 989, and 826 as rules 2.2, 2.135, 2.100, 2.30, 2.150, 2.200, 2.210, 2.250, 2.252–2.261, 2.300–2.306, 2.400, 2.500–2.503, 2.504–2.507, 2.550–2.551, 2.570–2.573, 2.800, 2.810–2.819, 2.830–2.834, 2.850, 2.851, 2.852–2.854, 2.900, 2.950, 2.952, 2.954, 2.956, 2.970, 2.1002, 2.1004, 2.1006, 2.1008, 2.1010, 2.1030, 2.1040, 2.1050, 2.1055, 2.1058, and 2.1100, respectively; and repeal rules 200.2, 233, 243.10, 245.5, 830, 890, 2001, 2009, 2051, and 2073.5).</p>
Summary	<p>Title 2 would be named the Trial Court Rules. This title would be revised and reorganized to contain all the rules that apply generally to the trial courts in all types of cases. These rules would be organized in a logical order and would be reformatted. Some rules would be rewritten for clarity and stylistic consistency.</p>
Source	<p>Office of the General Counsel, Administrative Office of the Courts</p> <p>Working Group on Rules Reorganization, Civil and Small Claims Advisory Committee</p>
Staff	<p>Patrick O'Donnell, Senior Attorney, 415-865-7665, patrick.o'donnell@jud.ca.gov</p> <p>Douglas C. Miller, Attorney, 415-865-7535, douglas.miller@jud.ca.gov</p>
Discussion	<p>Title 2 would contain the Trial Court Rules. These rules would apply to all types of cases in the trial courts, i.e., civil, criminal, family, juvenile, and other proceedings. The title and all the headings in the title would be new. The rules would be in the new Judicial Council rules format.</p> <p>The preliminary rules in division 1 of title 2 include rules on applications for extensions of time and on sanctions for violations of</p>

the rules. (See rules 2.20 and 2.30 (based on rules 235 and 227).)

Rules on the form and format of papers to be filed in the trial courts also would be located in division 2. (See rules 2.100–2.119 (based on rule 201).) These rules preempt any local rules on the form and format of papers. (See rule 2.100 (based on rule 981.1).)

Filing and service of papers are dealt with in division 3. The rules on this subject would include the rule on notice of change of address (rule 2.200 (based on rule 385)); the rule on drop boxes (rule 2.201 (based on rule 201.6)); the rules on filing and service by electronic means (rules 2.250–2.261 (based on rules 2050–2061)); and the rules on filing and service by fax (rules 2.300–2.306 (based on rules 2002–2008)). Stylistic changes have been made to these rules, but no substantive changes.

Court records are covered in division 4. The subjects of these rules would include general provisions on records (rule 2.400 (based on rule 243)); rules on public access to electronic trial court records (rules 2.500–2.507 (based on rules 2070–2077)); rules on sealed records (rules 2.550 and 2.551 (based on rules 243.1 and 243.2)); and rules on records in False Claims Act Cases (rules 2.570–2.573 (based on rules 243.5–243.8)).

Division 5 would be reserved for rules on venue and sessions.

Rules on trial court appointments and appointments by agreement of the parties would be in division 6. These rules would deal with temporary judges, referees, and court interpreters as they affect the trial courts and the public.<sup>1</sup>

Rules concerning records of trial court proceedings and public access to these proceedings would be in division 7.

Rules on trial matters would be in division 7. These would include rules on jury service (rule 2.1002–2.1010 (based on rules 858–862)), communications from or to the jury (rule 2.1030 (based on rule 231)), electronic records used in evidence (rule 2.1040 (based on rule 243.9)),

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<sup>1</sup> Rules concerning administrative matters relating to temporary judges, referees, and interpreters would be in title 10 (Judicial Administration Rules).

and jury instructions (rules 2.1050–2.1058 (based on rules 855, 229, and 989)).

Finally, division 9 would concern judgments. It would contain the rule requiring the notice that must be given when a statute or regulation is declared unconstitutional. (See rule 2.1100 (based on rule 826).)

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Attachments

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1 Title Two ~~2. Pretrial and Trial~~ Court Rules

2  
3 Division 1. General Provisions

4  
5 Chapter 1. Title and Application

6  
7 Rule 2.1. Title

8  
9 The rules in this title may be referred to as the Trial Court Rules.

10  
11 ~~Rule 2.2.200.~~ Application

12  
13 The Trial Court Rules ~~in this division~~ apply to all cases in the ~~trial~~ superior courts unless  
14 otherwise specified by ~~these rules~~ a rule or by statute.

15  
16 Chapter 2. Definitions and Scope of Rules

17  
18 Rule 2.3. Definitions

19  
20 As used in the Trial Court Rules, unless the context or subject matter otherwise requires:

21  
22 (1) “Court” means the superior court;

23  
24 (2) “Papers” includes all documents, except exhibits and copies of exhibits, that are  
25 offered for filing in any case, but does not include Judicial Council and local court  
26 forms, records on appeal in limited civil cases, or briefs filed in appellate divisions;  
27 and

28  
29 (3) “Written,” “writing,” “typewritten,” and “typewriting” include other methods  
30 equivalent in legibility to typewriting.

31  
32 (Reviser’s note: The definition of “papers” is from rule 201(a) (1) and the definition  
33 of “written,” “writing,” “typewritten,” and “typewriting” is from rule 200.1(11).  
34 The adoption of rule 1.6 (Definitions and Terms) in new Title 1 that applies  
35 generally to all titles makes the inclusion of this title of additional definitions from  
36 rule 200.1 no longer necessary.)<sup>1</sup>

37  
38 ~~Rule 200.2. Construction of terms~~

39  
40 (1) ~~The past, present, and future tense each includes the others.~~

---

<sup>1</sup> Reviser’s notes are used to assist the public by indicating the sources of rules, explaining changes, or providing other information. The notes will not be a permanent part of the rules.

(2) ~~The masculine, feminine, and neutral gender each includes the others.~~

(3) ~~The singular and plural number each includes the other.~~

(4) ~~The words “must” and “shall” are mandatory and the word “may” is permissive.~~

**(Reviser’s note: Because of the adoption of rule 1.5(b) and (d), this rule is no longer necessary.)**

## **Rule 2.10. Scope of rules [Reserved]**

### **Rule 233. Family law rules**

~~The rules contained in Division I (commencing with rule 5.10) of Title Five of these rules shall govern all proceedings under the Family Law Act as defined in rule 5.10.~~

**(Reviser’s note: This rule is repealed as unnecessary and incomplete.)**

## **Chapter 3. Timing**

### **Rule 2.20.235. Application for an orders extending time**

#### **(a) Application—to whom made**

An applications for an orders extending the time within which any act is required by law to be done ~~shall~~ must be heard and determined by the judge before whom the matter is pending; provided, however, that in case of the inability, death, or absence of such judge, the ~~same~~ application may be heard and determined by another judge of the same court.

#### **(b) Disclosure of previous extensions**

An application for an orders extending time ~~shall~~ must disclose in writing the nature of the case and what extensions, if any, have previously been granted by order of court or stipulation of counsel.

#### **(c) Filing and service**

An orders extending time ~~shall~~ must be filed ~~forthwith~~ immediately and copies served within 24 hours after the making ~~thereof~~ of the order or within such other time as may be fixed by the court.

## Chapter 4. Sanctions

### **Rule 2.30.227. Sanctions ~~in respect to rules~~ for rules violations in civil cases**

#### **(a) Application**

This sanctions rule applies to the rules in the California Rules of Court relating to general civil cases, unlawful detainer cases, probate proceedings, civil proceedings in the appellate division of the superior court, and small claims cases.

#### **(b) Sanctions**

In addition to any other sanctions permitted by law, the court may order a person, after written notice and an opportunity to be heard, to pay reasonable monetary sanctions to the court or an aggrieved person, or both, for failure without good cause to comply with the applicable rules, ~~unless good cause is shown~~. For the purposes of this rule, “person” means a party, a party’s attorney, a witness, and an insurer or any other individual or entity whose consent is necessary for the disposition of the case. If a failure to comply with an applicable rule is the responsibility of counsel and not of the party, any penalty must be imposed on counsel and must not adversely affect the party’s cause of action or defense thereto.

#### **(c) Notice and procedure**

Sanctions must not be imposed under this rule except upon ~~notice in a party’s motion papers~~ noticed motion by the party seeking sanctions or upon the court’s own motion after the court has provided notice and an opportunity to be heard. A party’s motion for sanctions must (1) ~~set forth~~ state the applicable rule that has been violated, (2) describe the specific conduct that is alleged to have violated the rule, and (3) identify the attorney, law firm, party, witness, or other person against whom sanctions are sought. The court on its own motion may issue an order to show cause that must (1) ~~set forth~~ state the applicable rule that has been violated, (2) describe the specific conduct that appears to have violated the rule, and (3) direct the attorney, law firm, party, witness, or other person to show cause why sanctions should not be imposed against them for violation of the rule.

#### **(d) Award of expenses**

In addition to the sanctions awardable under (b), the court may order the person who has violated an applicable rule to pay to the party aggrieved by the violation that party’s reasonable expenses, including reasonable attorney’s fees and costs, incurred in connection with the ~~sanctions~~ motion for sanctions or the order to show cause.

1  
2 **(e) Order**

3  
4 An order imposing sanctions must be in writing and must recite in detail the  
5 conduct or circumstances justifying the order.  
6

7 **Division 2. Papers and Forms to Be Filed**

8  
9 **Chapter 1. Papers**

10  
11 **Rule 2.100.201. Form and format of papers presented for filing in the trial courts**

12  
13 **(a) Preemption of local rules**

14  
15 The Judicial Council has preempted local rules relating to the form and format of  
16 papers to be filed in the trial courts. No trial court, or any division or branch of a  
17 trial court, may enact or enforce any local rule concerning the form or format of  
18 papers.  
19

20 **(b) Rules prescribe form and format**

21  
22 The rules in this chapter prescribe the form and format of papers to be filed in the  
23 trial courts.  
24

25 **(Reviser's note: Subdivisions (a) and (b) of rule 2.100 are based on current rule**  
26 **981.1. The portions of rule 981.1 that concern the preemption of pleadings, motions,**  
27 **discovery, and ex parte applications are located in rule 3.20 in title 3. Current rule**  
28 **201 has been divided into rules 2.101–2.119, series of rules on the format of papers,**  
29 **as indicated below.)**  
30

31 **(a) Definitions**

32  
33 ~~As used in this rule:~~

34  
35 ~~(1) “Papers” includes all documents, except exhibits or copies of documents, that~~  
36 ~~are offered for filing in any case; but it does not include Judicial Council and~~  
37 ~~local court forms, records on appeal in limited civil cases, or briefs filed in~~  
38 ~~appellate divisions.~~  
39

40 ~~(2) “Recycled” as applied to paper means “recycled paper product” as defined by~~  
41 ~~section 42202 of the Public Resources Code.~~  
42

1 **(b) ~~Use of recycled paper; certification by attorney or party~~**

2  
3 (1) ~~The use of recycled paper is required for the following:~~

4  
5 (A) ~~All original papers filed with the court and all copies of papers,~~  
6 ~~documents, and exhibits, whether filed with the court or served on other~~  
7 ~~parties; and~~

8  
9 (B) ~~The original record on appeal from a limited civil case, any brief filed~~  
10 ~~with the court in a matter to be heard in the appellate division, and all~~  
11 ~~copies of such documents, whether filed with the court or served on~~  
12 ~~other parties.~~

13  
14 (2) ~~Whenever the use of recycled paper is required by these rules, the attorney,~~  
15 ~~party, or other person filing or serving a document certifies, by the act of filing~~  
16 ~~or service, that the document was produced on paper purchased as recycled.~~

17  
18 **(c) ~~Size of paper, type style, and print color~~**

19  
20 (1) ~~All papers must be typewritten or printed or be prepared by a photocopying or~~  
21 ~~other duplication process that will produce clear and permanent copies equally~~  
22 ~~as legible as printing in type not smaller than 12 points, on opaque, unglazed~~  
23 ~~paper, white or unbleached, of standard quality not less than 20 pound weight,~~  
24 ~~8 ½ by 11 inches.~~

25  
26 (2) ~~The typeface must be essentially equivalent to Courier, Times Roman, or~~  
27 ~~Helvetica.~~

28  
29 (3) ~~The color of print must be blue-black or black.~~

30  
31 **(d) ~~Line spacing and numbering~~**

32  
33 (1) ~~Only one side of the paper may be used, and the lines on each page must be~~  
34 ~~one and one half spaced or double spaced and numbered consecutively.~~

35  
36 (2) ~~Descriptions of real property may be single spaced and footnotes, quotations,~~  
37 ~~and printed forms of corporate surety bonds and undertakings may be single~~  
38 ~~spaced and have unnumbered lines if they comply generally with the space~~  
39 ~~requirements of (f).~~

40  
41 (3) ~~The left margin must be at least one inch from the left edge of the paper and~~  
42 ~~the right margin at least 1/2 inch from the right edge of the paper.~~

- 1 (4) Line numbers must be placed at the left margin and separated from the text of  
2 the paper by a vertical column of space at least 1/5 inch wide or a single or  
3 double vertical line. Each line number must be aligned with a line of type or  
4 the line numbers must be evenly spaced vertically on the page. Line numbers  
5 must be consecutively numbered beginning with the number 1 on each page.  
6 There must be at least three line numbers for every vertical inch on the page.  
7

8 **(e) Page numbering and hole punching**  
9

- 10 (1) Each page must be numbered consecutively at the bottom.  
11  
12 (2) Each paper must consist entirely of original pages without riders, and must be  
13 firmly bound together at the top.  
14  
15 (3) Exhibits may be fastened to pages of the specified size and, when prepared by  
16 a machine copying process, must be equal to typewritten material in legibility  
17 and permanency of image.  
18  
19 (4) Each paper presented for filing must contain two pre-punched normal-sized  
20 holes, centered 2 1/2 inches apart, and 5/8 inch from the top of the paper.  
21

22 **(f) Format of first page**  
23

24 The first page of each paper must be in the following form:  
25

- 26 (1) In the space commencing 1 inch from the top of the page with line 1, to the  
27 left of the center of the page, the name, office address or, if none, residence  
28 address, telephone number, fax number and e-mail address (if available), and  
29 State Bar membership number of the attorney for the party in whose behalf the  
30 paper is presented, or of the party if he or she is appearing in person. The  
31 inclusion of a fax number or e-mail address on any document does not  
32 constitute consent to service by fax or e-mail unless otherwise provided by  
33 law.  
34  
35 (2) In the first 2 inches of space between lines 1 and 7 to the right of the center of  
36 the page, a blank space for the use of the clerk.  
37  
38 (3) On line 8, at or below 3 1/3 inches from the top of the paper, the title of the  
39 court.  
40  
41 (4) Below the title of the court, in the space to the left of the center of the page,  
42 the title of the case. In the title of the case on each initial complaint or cross-  
43 complaint, the name of each party must commence on a separate line



beginning at the left margin of the page. On any subsequent pleading or paper, it is sufficient in the title of the case to (1) state the name of the first party on each side, with appropriate indication of other parties, and (2) state that a cross-action or cross-actions are involved, if applicable.

- (5) To the right of and opposite the title, the number of the case.
- (6) Below the number of the case, the nature of the paper and, on all complaints and petitions, the character of the action or proceeding. In a case having multiple parties, any answer, response, or opposition must specifically identify the complaining, propounding, or moving party and the complaint, motion, or other matter being answered or opposed.
- (7) Below the nature of the paper or the character of the action or proceeding, the name of the judge and department, if any, to which the case is assigned.
- (8) Below the nature of the paper or the character of the action or proceeding, the word "Referee:" followed by the name of the referee, on any paper filed in a case pending before a referee appointed pursuant to Code of Civil Procedure section 638 or 639.
- (9) On the complaint, petition, or application filed in a limited civil case, below the character of the action or proceeding, the amount demanded in the complaint, petition, or application, stated as follows: "Amount demanded exceeds \$10,000" or "Amount demanded does not exceed \$10,000," as required by Government Code section 72055.
- (10) In the caption of every pleading and every other paper filed in a limited civil case, the words "Limited Civil Case," as required by Code of Civil Procedure section 422.30(b).
- (11) If a case is reclassified by an amended complaint, cross-complaint, amended cross-complaint, or other pleading under Code of Civil Procedure section 403.020 or 403.030, the caption must indicate that the action or proceeding is reclassified by this pleading. If a case is reclassified by stipulation under Code of Civil Procedure section 403.050, the title of the stipulation must state that the action or proceeding is reclassified by this stipulation. The caption or title must state that the case is a limited civil case reclassified as an unlimited civil case, or an unlimited civil case reclassified as a limited civil case, or other words to that effect.

(g) **Footer**

1 Except for exhibits, each paper filed with the court must bear a footer in the bottom  
2 margin of each page, placed below the page number and divided from the rest of the  
3 document page by a printed line. The footer must contain the title of the paper  
4 (examples: "Complaint," "XYZ Corp.'s Motion for Summary Judgment") or some  
5 clear and concise abbreviation. The title of the paper in the footer must be in at least  
6 10-point type.

7  
8 **(h) Changes on face of paper—conformance of copies**

9  
10 Additions, deletions, or interlineations must be initialed by the clerk or judge at the  
11 time of filing. All copies served must conform to the original filed, including the  
12 numbering of lines, pagination, additions, deletions, and interlineations.

13  
14 **(i) Several causes of action, defenses, etc.**

15  
16 Each separately stated cause of action, count, or defense must be separately  
17 numbered.

18  
19 **(j) Acceptance for filing**

20  
21 The clerk of the court must not accept for filing or file any papers that do not  
22 comply with this rule, except:

- 23  
24 (1) The clerk must not reject a paper for filing solely on the ground that it is  
25 handwritten or hand printed or that the handwriting or hand printing is in a  
26 color other than blue black or black;  
27  
28 (2) The clerk must not reject a paper for filing solely on the ground that it does  
29 not contain an attorney's or a party's fax number or e-mail address on the first  
30 page; and  
31  
32 (3) For good cause shown, the court may permit the filing of papers that do not  
33 comply with this rule.

34  
35 **(k) Except as provided, this rule does not apply to Judicial Council forms, local court**  
36 **forms or forms for juvenile dependency proceedings produced by the California**  
37 **State Department of Social Services Child Welfare Systems Case Management**  
38 **System.**

39  
40 **Advisory Committee Comment**

41  
42 The California Department of Social Services (CDSS) has begun to distribute a new, comprehensive,  
43 computerized case management system to county welfare agencies. This system is not able to exactly  
44 conform to Judicial Council format in all instances. However, item numbering on the forms will remain

1 the same. The changes allow CDSS computer-generated Judicial Council forms to be used in juvenile  
2 court proceedings.

### 3 4 **Rule 2.101. Use of recycled paper; certification by attorney or party**

#### 5 6 **(a) Use of recycled paper**

7  
8 Recycled paper must be used for the following:

- 9  
10 (1) All original papers filed with the court and all copies of papers, documents,  
11 and exhibits, whether filed with the court or served on other parties; and  
12  
13 (2) The original record on appeal from a limited civil case, any brief filed with the  
14 court in a matter to be heard in the appellate division, and all copies of such  
15 documents, whether filed with the court or served on other parties.  
16

#### 17 **(b) Certification**

18  
19 Whenever recycled paper must be used under the rules in this chapter, the attorney,  
20 party, or other person filing or serving a document certifies, by the act of filing or  
21 service, that the document was produced on paper purchased as recycled.  
22

### 23 **Rule 2.102. One-sided paper**

24  
25 On papers, only one side of each page may be used.  
26

### 27 **Rule 2.103. Quality, color, and size of paper**

28  
29 All papers must be on opaque, unglazed paper, white or unbleached, of standard quality  
30 not less than 20-pound weight, 8½ by 11 inches.  
31

### 32 **Rule 2.104. Printing; type size**

33  
34 All papers must be printed or typewritten or be prepared by a photocopying or other  
35 duplication process that will produce clear and permanent copies equally as legible as  
36 printing in type not smaller than 12 points.  
37

### 38 **Rule 2.105. Type style**

39  
40 The typeface must be essentially equivalent to Courier, Times Roman, or Arial.  
41

### 42 **Rule 2.106. Color of print**

1 The color of print must be black or blue-black.

2  
3 **Rule 2.107. Margins**

4  
5 The left margin of each page must be at least one inch from the left edge of the paper and  
6 the right margin at least 1/2 inch from the right edge of the paper.

7  
8 **Rule 2.108. Spacing and numbering of lines**

9  
10 The spacing and numbering of lines on a page must be as follows:

11  
12 (1) The lines on each page must be one and one-half spaced or double spaced and  
13 numbered consecutively.

14  
15 (2) Descriptions of real property may be single-spaced.

16  
17 (3) Footnotes, quotations, and printed forms of corporate surety bonds and undertakings  
18 may be single-spaced and have unnumbered lines if they comply generally with the  
19 space requirements of rule 2.111.

20  
21 (4) Line numbers must be placed at the left margin and separated from the text of the  
22 paper by a vertical column of space at least 1/5 inch wide or a single or double  
23 vertical line. Each line number must be aligned with a line of type or the line  
24 numbers must be evenly spaced vertically on the page. Line numbers must be  
25 consecutively numbered, beginning with the number 1 on each page. There must be  
26 at least three line numbers for every vertical inch on the page.

27  
28 **Rule 2.109. Page numbering**

29  
30 Each page must be numbered consecutively at the bottom unless a rule provides  
31 otherwise in a particular type of document.

32  
33 **Rule 2.110. Footer**

34  
35 **(a) Location**

36  
37 Except for exhibits, each paper filed with the court must bear a footer in the bottom  
38 margin of each page, placed below the page number and divided from the rest of the  
39 document page by a printed line.

40  
41 **(b) Contents**

1        The footer must contain the title of the paper (examples: “Complaint,” “XYZ  
2        Corp.’s Motion for Summary Judgment”) or some clear and concise abbreviation.

3  
4        **(c)    Type size**

5  
6        The title of the paper in the footer must be in at least 10-point type.

7  
8        **Rule 2.111. Format of first page**

9  
10       The first page of each paper must be in the following form:

11  
12       (1)    In the space commencing 1 inch from the top of the page with line 1, to the left of  
13       the center of the page, the name, office address or, if none, residence address or  
14       mailing address (if different), telephone number, fax number and e-mail address (if  
15       available), and State Bar membership number of the attorney for the party in whose  
16       behalf the paper is presented, or of the party if he or she is appearing in person. The  
17       inclusion of a fax number or e-mail address on any document does not constitute  
18       consent to service by fax or e-mail unless otherwise provided by law.

19  
20       (2)    In the first 2 inches of space between lines 1 and 7 to the right of the center of the  
21       page, a blank space for the use of the clerk.

22  
23       (3)    On line 8, at or below 3 1/3 inches from the top of the paper, the title of the court.

24  
25       (4)    Below the title of the court, in the space to the left of the center of the page, the title  
26       of the case. In the title of the case on each initial complaint or cross-complaint, the  
27       name of each party must commence on a separate line beginning at the left margin  
28       of the page. On any subsequent pleading or paper, it is sufficient to provide a short  
29       title of the case (1) stating the name of the first party on each side, with appropriate  
30       indication of other parties, and (2) stating that a cross-action or cross-actions are  
31       involved (e.g., “and Related Cross-action”), if applicable.

32  
33       (5)    To the right of and opposite the title, the number of the case.

34  
35       (6)    Below the number of the case, the nature of the paper and, on all complaints and  
36       petitions, the character of the action or proceeding. In a case having multiple  
37       parties, any answer, response, or opposition must specifically identify the  
38       complaining, propounding, or moving party and the complaint, motion, or other  
39       matter being answered or opposed.

40  
41       (7)    Below the nature of the paper or the character of the action or proceeding, the name  
42       of the judge and department, if any, to which the case is assigned.

- 1 (8) Below the nature of the paper or the character of the action or proceeding, the word  
2 “Referee:” followed by the name of the referee, on any paper filed in a case pending  
3 before a referee appointed pursuant to Code of Civil Procedure section 638 or 639.  
4
- 5 (9) On the complaint, petition, or application filed in a limited civil case, below the  
6 character of the action or proceeding, the amount demanded in the complaint,  
7 petition, or application, stated as follows: “Amount demanded exceeds \$10,000” or  
8 “Amount demanded does not exceed \$10,000,” as required by Government Code  
9 section 72055.  
10
- 11 (10) In the caption of every pleading and every other paper filed in a limited civil case,  
12 the words “Limited Civil Case,” as required by Code of Civil Procedure section  
13 422.30(b).  
14
- 15 (11) If a case is reclassified by an amended complaint, cross-complaint, amended cross-  
16 complaint, or other pleading under Code of Civil Procedure section 403.020 or  
17 403.030, the caption must indicate that the action or proceeding is reclassified by  
18 this pleading. If a case is reclassified by stipulation under Code of Civil Procedure  
19 section 403.050, the title of the stipulation must state that the action or proceeding is  
20 reclassified by this stipulation. The caption or title must state that the case is a  
21 limited civil case reclassified as an unlimited civil case, or an unlimited civil case  
22 reclassified as a limited civil case, or other words to that effect.  
23

24 **Rule 2.112. Separate causes of action, counts, and defenses**  
25

26 Each separately stated cause of action, count, or defense must specifically state:  
27

- 28 (1) Its number (e.g., “first cause of action”);  
29
- 30 (2) Its nature (e.g., “for fraud”);  
31
- 32 (3) The party asserting it if more than one party is represented on the pleading (e.g., “by  
33 plaintiff Jones.”); and  
34
- 35 (4) The party or parties to whom it is directed (e.g., “against defendant Smith”).  
36

37 **(Reviser's note: This rule is based on current rules 201(i) and 312(g).)**  
38

39 **Rule 2.113. Binding**  
40

41 Each paper must consist entirely of original pages without riders and must be firmly  
42 bound together at the top.  
43

1 **Rule 2.114. Exhibits**

2  
3 Exhibits may be fastened to pages of the specified size and, when prepared by a machine  
4 copying process, must be equal to typewritten material in legibility and permanency of  
5 image.

6  
7 **Rule 2.115. Hole punching**

8  
9 Each paper presented for filing must contain two prepunched normal-sized holes,  
10 centered 2 ½ inches apart and 5/8 inch from the top of the paper.

11  
12 **Rule 2.116. Changes on face of paper**

13  
14 Any addition, deletion, or interlineation to a paper must be initialed by the clerk or judge  
15 at the time of filing.

16  
17 **Rule 2.117. Conformed copies of papers**

18  
19 All copies of papers served must conform to the original papers filed, including the  
20 numbering of lines, pagination, additions, deletions, and interlineations.

21  
22 **Rule 2.118. Acceptance of papers for filing**

23  
24 **(a) Papers not in compliance**

25  
26 The clerk of the court must not accept for filing or file any papers that do not  
27 comply with the rules in this chapter, except the clerk must not reject a paper for  
28 filing solely on the ground that

29  
30 (1) It is handwritten or hand-printed; or

31  
32 (2) The handwriting or hand printing on the paper is in a color other than black or  
33 blue-black.

34  
35 **(b) Absence of fax number or e-mail address**

36  
37 The clerk must not reject a paper for filing solely on the ground that it does not  
38 contain an attorney's or a party's fax number or e-mail address on the first page.

39  
40 **(c) Filing of papers for good cause**

41  
42 For good cause shown, the court may permit the filing of papers that do not comply  
43 with the rules in this chapter.

1  
2 **Rule 2.119. Exceptions for forms**

3  
4 Except as provided elsewhere in the California Rules of Court, the rules in this chapter do  
5 not apply to Judicial Council forms, local court forms, or forms for juvenile dependency  
6 proceedings produced by the California State Department of Social Services Child  
7 Welfare Systems Case Management System.

8  
9 **Advisory Committee Comment**

10  
11 The California Department of Social Services (CDSS) has begun to distribute a new, comprehensive,  
12 computerized case management system to county welfare agencies. This system is not able to exactly  
13 conform to Judicial Council format in all instances. However, item numbering on the forms will remain  
14 the same. The changes allow CDSS computer-generated Judicial Council forms to be used in juvenile  
15 court proceedings.

16  
17 **Chapter 2. General Rules on Forms**

18  
19 **Rule 2.130. Application**

20  
21 The rules in this chapter apply to Judicial Council forms, local court forms, and all other  
22 official forms to be filed in the trial courts.

23  
24 **Rule 2.131. Recycled paper**

25  
26 All forms and copies of forms filed with the court must use recycled paper as defined in  
27 rule 1.6.

28  
29 **Rule 2.132. True copy certified**

30  
31 A party or attorney who files a form certifies by filing the form that it is a true copy of the  
32 form.

33  
34 **Rule 2.133. Hole punching**

35  
36 All forms must contain two prepunched normal-sized holes, centered 2½ inches apart and  
37 ⅝ inch from the top of the form.

38  
39 **Rule 2.134. Forms longer than one page**

40  
41 **(a) Single side may be used**

42  
43 If a form is longer than one page, the form may be printed on sheets printed only on  
44 one side even if the original has two sides to a sheet.



1  
2 **(b) Two-sided forms must be tumbled**

3  
4 If a form is filed on a sheet printed on two sides, the reverse side must be rotated  
5 180 degrees (printed head to foot).

6  
7 **(c) Multiple-page forms must be bound**

8  
9 If a form is longer than one page, it must be firmly bound at the top.

10  
11 **(Reviser's note: Rules 2.130–2.134 are based on provisions in the current rules on**  
12 **Judicial Council and local court forms. These provisions apply to all official forms.)**

13  
14 **Rule 2.135.201.4. Filing of handwritten or hand-printed forms**

15  
16 The clerk must not reject for filing or refuse to file any Judicial Council or local court  
17 form solely on the ground that:

- 18  
19 (1) It is completed in handwritten or hand-printed characters; or ~~that~~  
20  
21 (2) The handwriting or hand printing is a color other than black or blue-black.  
22

23 **Rule 2.140. Judicial Council forms**

24  
25 Judicial Council forms are governed by the rules in this chapter and chapter 4 of title 1.

26  
27 **Rule 2.141. Local court forms**

28  
29 Local court forms are governed by the rules in this chapter and rules 6.611 and 6.612.

30  
31 **Chapter 3. Other Forms**

32  
33 **Rule 2.150.982.9. Authorization for computer-generated or typewritten forms for**  
34 **proof of service of summons and complaint**

35  
36 **(a) Computer-generated or typewritten forms; conditions**

37  
38 Notwithstanding the adoption of mandatory form *Proof of Service of Summons*  
39 (form POS-010), a form for proof of service of a summons and complaint prepared  
40 entirely by word processor, typewriter, or similar process may be used for proof of  
41 service in any applicable action or proceeding if the following conditions are met:  
42

- 1 (1) The form complies with the rules 201 ~~be applies~~ in chapter 1 of this division  
2 except as otherwise provided in this rule, but numbered lines are not required.  
3
- 4 (2) The left, right, and bottom margins of the proof of service must be at least  
5 one-half inch. The top margin must be at least three-quarters of an inch. The  
6 typeface must be Times, Courier, Arial, or an equivalent typeface not smaller  
7 than 9 points. Text must be single-spaced and a blank line must precede each  
8 main numbered item.  
9
- 10 (3) The title and all the text of form POS-010 that is not accompanied by a  
11 check\_box must be copied word for word except for instructions, which must  
12 not be copied. All the relevant text that is optional (that is, accompanied by a  
13 check\_box) must be copied word for word except that the check\_boxes must  
14 not be copied.  
15
- 16 (4) The Judicial Council number of the *Proof of Service of Summons* must be  
17 typed as follows either in the left margin of the first page opposite the last line  
18 of text or at the bottom of each page: “Judicial Council form POS-010.”  
19
- 20 (5) The text of form POS-010 must be copied in the same order as it appears on  
21 the printed form using the same item numbers. A declaration of diligence may  
22 be attached to the proof of service or inserted as item 5b(5).  
23
- 24 (6) Areas marked “For Court Use” must be copied in the same general locations  
25 and occupy approximately the same amount of space as on the printed form.  
26
- 27 (7) The telephone number of the attorney or party must appear flush with the left  
28 margin and below the attorney’s or party’s address.  
29
- 30 (8) The name of the court must be flush with the left margin. The address of the  
31 court is not required.  
32
- 33 (9) Material that would have been typed onto the printed form must be typed with  
34 each line indented three inches from the left margin.  
35

36 **(b) Compliance with rule**  
37

38 The act of filing a computer-generated or typewritten form under this rule  
39 constitutes a certification by the party or attorney filing the form that it complies  
40 with this rule and is a true and correct copy of the form to the extent required by this  
41 rule.  
42

1 **Division 3. Filing and Service**

2  
3 **Chapter 1. General Provisions**

4  
5 **Rule ~~2.200.385~~ Service and filing of notice of change of address**

6  
7 A party or attorney whose address changes while an action is pending ~~shall~~ must serve on  
8 all parties and file a written notice of the change of address.  
9

10 **Rule ~~2.210.201.6~~ Drop box for filing documents**

11  
12 **(a) Use of drop box**

13  
14 Whenever a clerk's office filing counter is closed at any time between 8:30 a.m. and  
15 4:00 p.m. on a court day, the court must provide a drop box for depositing  
16 documents to be filed with the clerk. A court may provide a drop box during other  
17 times.  
18

19 **(b) Documents deemed filed on day of deposit**

20  
21 Any document deposited in a court's drop box up to and including 4:00 p.m. on a  
22 court day is deemed to have been deposited for filing on that day. A court may  
23 provide for same-day filing of a document deposited in its drop box after 4:00 p.m.  
24 on a court day. If so, the court must give notice of the deadline for same-day filing  
25 of a document deposited in its drop box.  
26

27 **(c) Documents deemed filed on next court day**

28  
29 Any document deposited in a court's drop box is deemed to have been deposited for  
30 filing on the next court day if:

- 31  
32 (1) ~~if~~ It is deposited on a court day after 4:00 p.m. or after the deadline for same-  
33 day filing if a court provides for a later time, or  
34  
35 (2) ~~if~~ It is deposited on a judicial holiday.  
36

37 **(d) Date and time documents deposited**

38  
39 A court must have a means of determining whether a document was deposited in the  
40 drop box by 4:00 p.m., or after the deadline for same-day filing if a court provides  
41 for a later time, on a court day.  
42

43 **Advisory Committee Comment (~~2005~~)**

The notice required by ~~rule 201.6~~(b) may be provided by the same means a court provides notice of its clerk's office hours. The means of providing notice may include the following: information on the court's Web site, a local rule provision, a notice in a legal newspaper, a sign in the clerk's office, or a sign near the drop box.

## **Chapter 2. Filing and Service by Electronic Means**

### **Rule ~~2.250,2050~~. Definitions**

As used in this chapter, unless the context ~~requires~~ otherwise requires:

#### **~~(a) Close of business~~**

- (1) “Close of business” is 5 p.m. or any other time on a court day—~~as defined in Code of Civil Procedure section 133~~—at which the court stops accepting documents for filing at its filing counter, whichever is earlier. ~~A~~The court must provide notice of its close-of-business time electronically. ~~A~~The court may give this notice in any additional manner it deems appropriate.

#### **~~(b) Document~~**

- (2) A “document” is a pleading, a paper, a declaration, an exhibit, or another filing submitted by a party or by an agent of a party on the party's behalf. A document may be in paper or electronic form.

#### **~~(c) Electronic filer~~**

- (3) An “electronic filer” is a party filing a document in electronic form with the court.

#### **~~(d) Electronic filing~~**

- (4) “Electronic filing” is the electronic transmission to a court of a document in electronic form.

#### **~~(e) Electronic service filing provider~~**

- (5) An “Electronic service filing provider” is a person or entity that receives an electronic filing from a party for transmission to the court. In submission of filings, the electronic service filing provider does so on behalf of the electronic filer and not as an agent of the court.

1 **(f) ~~Electronic service~~**

2  
3 (6) “Electronic service” is the electronic transmission of a document to a party’s  
4 electronic notification address for the purpose of effecting service.  
5

6 **(g) ~~Party~~**

7  
8 A “party” is a person appearing in any action or proceeding in pro per or an attorney of  
9 record for a party in any action or proceeding.  
10

11 **(h) ~~Regular filing hours~~**

12  
13 (7) “Regular filing hours” are the hours during which a court accepts documents  
14 for filing.  
15

16 **(i) ~~These rules~~**

17  
18 “These rules” are the rules in this chapter.  
19

20 **~~Rule 2051. Authority and purpose~~**

21  
22 These rules are adopted under Code of Civil Procedure section 1010.6 and the authority  
23 granted to the Judicial Council by the California Constitution, article VI, section 6. They  
24 govern electronic filing and service of documents in the superior courts.  
25

26 **Rule 2.252.2052. Documents that may be filed electronically**

27  
28 **(a) ~~In general~~**

29  
30 A court may permit electronic filing of a document in any action or proceeding  
31 unless ~~these~~ the rules in this chapter or other legal authority expressly prohibit  
32 electronic filing.  
33

34 **(b) ~~Original documents~~**

35  
36 In a proceeding that requires the filing of an original document, an electronic filer  
37 may file a scanned copy of a document if the original document is then filed with  
38 the court within 10 calendar days.  
39

40 **(c) ~~Application for waiver of court fees and costs~~**

41  
42 A ~~The~~ court may permit electronic filing of an application for waiver of court fees  
43 and costs in any proceeding in which the court accepts electronic filings.

1  
2 **(d) Orders and judgments**  
3

4 The court may electronically file any notice, order, minute order, judgment, or other  
5 document prepared by the court.  
6

7 **(e) Effect of document filed electronically**  
8

9 (1) A document that the court or a party files electronically under ~~these~~ the rules  
10 in this chapter has the same legal effect as a document in paper form.  
11

12 (2) Filing a document electronically does not alter any filing deadline.  
13

14 **Rule ~~2.253.2053~~. Court order requiring electronic filing and service**  
15

16 **(a) Court order**  
17

18 ~~A~~The court may, on the motion of any party or on its own motion, order all parties  
19 to serve and file ~~and serve~~ all documents electronically in any class action, a  
20 consolidated action, or a group of actions, a coordinated action, or an action that is  
21 ~~deemed~~ complex under rule ~~1812~~ 3.403, after finding that such an order would not  
22 cause undue hardship or significant prejudice to any party. The court's order may  
23 also provide that:  
24

25 (1) Documents previously filed in paper form may be resubmitted in electronic  
26 form; and  
27

28 (2) When the court sends confirmation of filing to all parties, receipt of the  
29 confirmation constitutes service of the filing.  
30

31 **(b) Filing in paper form**  
32

33 When it is not feasible for a party to convert a document to electronic form by  
34 scanning, imaging, or another means, a court may allow a that party to serve and  
35 file the document in paper form.  
36

37 **Rule ~~2.254.2054~~. Responsibilities of court**  
38

39 **(a) Internet-accessible system**  
40

41 (1) Except as provided in (2), a court that orders electronic filing must ~~allow for~~  
42 permit filing over the Internet by means designed to ensure the security and  
43 integrity of an Internet transmission.

(2) The court may decide not to permit make an exception to service and filing over the Internet transmission if the court determines that doing so would facilitates the management of a particular action or proceeding and does would not cause undue prejudice to any party.

**(b) Publication of electronic filing requirements**

A Each court that permits electronic filing must publish, in both electronic and print formats, the court's electronic filing requirements.

**(c) Problems with electronic filing**

If a the court is aware of a problem that impedes or precludes electronic filing during the court's regular filing hours, it must promptly take reasonable steps to provide notice of the problem.

**(d) Public access to electronically filed documents**

Except as provided in rules ~~2070 through 2076~~ rules 2.250–2.260 and rules 2.500–2.506, an electronically filed document is a public document at the time it is filed unless it is sealed under rule ~~243.2(b)~~ 2.551(b) or made confidential by law.

**~~Advisory Committee Comment (2003)~~**

~~The Court Technology Advisory Committee recommends that electronic filing service providers comply with the technical standards set forth on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling/](http://www.courtinfo.ca.gov/programs/efiling/). The committee anticipates that these rules may be amended to require compliance with the California Electronic Filing Technical Standards once the standards are sufficiently developed.~~

**(Reviser's note: This advisory committee comment appears twice in the current rules. In the revised rules, it would be deleted after rule 2.254 and retained after rule 2.255.)**

**Rule ~~2.255, 2055~~. Contracts with electronic filing service providers**

**(a) Right to contract**

(1) A court may contract with one or more electronic filing service providers to furnish and maintain an electronic filing system for the court.

(2) If the court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider.

- 1  
2 (3) If there is a single provider or in-house system, it must accept filing from  
3 other electronic filing service providers to the extent it is compatible with  
4 them.  
5

6 **(b) Provisions of contract**  
7

8 The court's contract with an electronic filing service provider may allow the  
9 provider to charge electronic filers a reasonable fee in addition to the court's filing  
10 fee. The contract may also allow the electronic filing service provider to make other  
11 reasonable requirements for use of the electronic filing system.  
12

13 **(c) Transmission of filing to court**  
14

15 An electronic filing service provider must promptly transmit any electronic filing,  
16 with the applicable filing fee, to the court.  
17

18 **(d) Confirmation of receipt and filing of document**  
19

- 20 (1) An electronic filing service provider must promptly send to an electronic filer  
21 confirmation of the receipt of any document that the filer has transmitted to  
22 the provider for filing with the court.  
23

- 24 (2) The electronic filing service provider must send its confirmation to the filer's  
25 electronic notification address and must indicate the date and time of receipt,  
26 in accordance with rule ~~2059(a)~~ 2.259(a).  
27

- 28 (3) After reviewing the documents, the court must promptly transmit to the  
29 electronic filing service provider and the electronic filer the court's  
30 confirmation of filing or notice of rejection of filing, in accordance with rule  
31 ~~2059~~ 2.259.  
32

33 **(e) Ownership of information**  
34

35 ~~Any~~ All ~~contracts~~ between ~~a~~ the court and ~~an~~ electronic filing service providers  
36 must acknowledge that the court is the owner of the contents of the filing system  
37 and has the exclusive right to control ~~its~~ the system's use.  
38

39 **Advisory Committee Comment (~~2003~~)**  
40

41 The Court Technology Advisory Committee recommends that electronic filing service providers comply  
42 with the technical standards set forth on the California Courts Web site at  
43 [www.courtinfo.ca.gov/programs/efiling/](http://www.courtinfo.ca.gov/programs/efiling/). The committee anticipates that these rules may be amended to



1 require compliance with the California Electronic Filing Technical Standards once the standards are  
2 sufficiently developed.

3  
4 **Rule ~~2.256~~2056-Responsibilities of electronic filer**

5  
6 **(a) Conditions of filing**

7  
8 ~~At~~ Each electronic filer agrees to, and must:

- 9  
10 (1) Comply with any court requirements designed to ensure the integrity of  
11 electronic filing and to protect sensitive personal information;  
12  
13 (2) Furnish information the court requires for case processing;  
14  
15 (3) Take all reasonable steps to ensure that the filing does not contain computer  
16 code, including viruses, that might be harmful to the court's electronic filing  
17 system and to other users of that system;  
18  
19 (4) Furnish one or more electronic notification addresses, in the manner specified  
20 by the court, at which the electronic filer agrees to accept service; and  
21  
22 (5) Immediately provide the court and all parties with any change to ~~his or her~~ the  
23 electronic filer's electronic notification addresses.  
24

25 **(b) Format of documents to be filed electronically**

26  
27 A document that is filed electronically with the court must be in a format specified  
28 by the court unless it cannot be created in that format. The format adopted by a  
29 court must meet the following requirements:

- 30  
31 (1) The software for creating and reading documents must be in the public domain  
32 or generally available at a reasonable cost.  
33  
34 (2) By January 1, 2010, any format adopted by the court must allow for full text  
35 searching. Documents not available in a format that permits full text searching  
36 must be scanned or imaged as required by the court, unless the court orders  
37 that scanning or imaging would be unduly burdensome. By January 1, 2010,  
38 such scanning or imaging must allow for full text searching to the extent  
39 feasible.  
40  
41 (3) The printing of documents must not result in the loss of document text,  
42 format, or appearance.  
43

1 **Rule ~~2.257.2057~~. Requirements for signatures on documents**

2  
3 **(a) Documents signed under penalty of perjury**

4  
5 When a document to be filed electronically provides for a signature under penalty  
6 of perjury, the following applies:

- 7  
8 (1) ~~When a document to be filed electronically requires a signature under penalty~~  
9 ~~of perjury, The document is deemed signed by the declarant if, before filing,~~  
10 ~~the declarant has signed a printed form of the document.~~  
11  
12 (2) By electronically filing the document, the electronic filer ~~indicates~~ certifies  
13 ~~that he or she (1) has been~~ that he or she (1) has been ~~complied with subdivision (a)(1) of this rule and~~  
14 ~~that the original, signed document is available for review~~ inspection ~~and~~  
15 ~~copying at the request of the court or any other party.~~  
16  
17 (3) At any time after the document is filed, any other party may serve a demand  
18 for production of the original signed document. The demand must be served  
19 on all other parties but need not be filed with the court.  
20  
21 (4) Within five days of service of the demand under (3), the party on whom the  
22 demand is made must make the original signed document available for ~~review~~  
23 inspection and copying by all other parties.  
24  
25 (5) At any time after the document is filed, the court may order the filing party to  
26 produce the original signed document in court for inspection and copying by  
27 the court. The order must specify the date, time, and place for the production  
28 and must be served on all parties.  
29

30 **(b) Documents not signed under penalty of perjury**

31  
32 If a document does not require a signature under penalty of perjury, the document is  
33 deemed signed by the party if the document is filed electronically.  
34

35 **(c) Documents requiring signatures of opposing parties**

36  
37 When a document to be filed electronically, such as a stipulation, requires the  
38 signatures of opposing parties, the following procedure applies:  
39

- 40 (1) The party filing the document must obtain the signatures of all parties on a  
41 printed form of the document.  
42

(2) The party filing the document must maintain the original, signed document and must make it available for ~~review~~ inspection and copying as provided in ~~subdivision (a)(2)~~. The court and any other party may demand production of the original signed document in the manner provided in (a)(3)–(5).

(3) By electronically filing the document, the electronic filer indicates that all parties have signed the document and that the filer has the signed original in his or her possession.

**(d) Digital signature**

A party is not required to use a digital signature on an electronically filed document.

**Rule ~~2.258~~ 2058. Payment of filing fees**

**(a) Use of credit cards and other methods**

A court may permit the use of credit cards, debit cards, electronic fund transfers, or debit accounts for the payment of filing fees associated with electronic filing, as provided in Government Code section 6159, ~~and rule 6.703, or~~ and otherwise applicable law. A court may also authorize other methods of payment.

**(b) Fee waiver**

Eligible persons may seek a waiver of court fees and costs, as provided in Government Code section 68511.3 ~~and rule 2052(e)~~ 2.252(c), and division 2 of title 3 of these rules.

**Rule ~~2.259~~ 2059. Actions by court on receipt of electronic filing**

**(a) Confirmation of receipt and filing of document**

**(1) Confirmation of receipt**

When a court receives an electronically submitted document directly from the filer and not through an electronic filing service provider, the court must promptly send the electronic filer confirmation of the court's receipt of the document, indicating the date and time of receipt. ~~If the document complies with filing requirements and all required filing fees have been paid, the court must promptly send the electronic filer confirmation that the document has been filed.~~

1 (2) Confirmation of filing

2  
3 If the document received by the court under (1) complies with filing  
4 requirements and all required filing fees have been paid, the court must  
5 promptly send the electronic filer confirmation that the document has been  
6 filed. The filing confirmation must indicate the date and time of filing and is  
7 proof that the document was filed on the date and at the time specified. The  
8 filing confirmation must also specify:

9  
10 (a) (A) Any transaction number associated with the filing;

11  
12 (b) (B) The titles of the documents as filed by the court; and

13  
14 (c) (C) The fees assessed for the filing.

15  
16 (3) Transmission of confirmations

17  
18 The court ~~will~~ must send its receipt and filing confirmation to the electronic  
19 filer at the electronic notification address the filer furnished to the court ~~in~~  
20 ~~accordance with~~ under rule 2056(a)(4) 2.256(a)(4). The court must maintain a  
21 record of its all receipt and filing confirmations ~~of receipt and filing~~.

22  
23 (4) Filer responsible for verification

24  
25 In the absence of the court's confirmation of receipt and filing, there is no  
26 presumption that the court received and filed the document. ~~Verification of the~~  
27 ~~receipt and filing of any document by the court is the responsibility of the~~  
28 ~~electronic filer. The electronic filer is responsible for verifying that the court~~  
29 ~~received and filed any document that the electronic filer submitted to the court~~  
30 electronically.

31  
32 (b) **Notice of rejection of document for filing**

33  
34 If ~~the clerk does not file~~ a document is ~~not filed by the clerk~~ because it does not  
35 comply with applicable filing requirements or because the required filing fee has  
36 not been paid, the court must promptly send notice of the rejection of the document  
37 for filing to the electronic filer. The notice must set forth the reasons the document  
38 was rejected for filing.

39  
40 (c) **Document filed after close of business**

41  
42 A document that is filed electronically with the court after the close of business is  
43 ~~considered~~ deemed to have been filed on the next court day.

1  
2 **(d) Delayed delivery**  
3

4 If a technical problem with ~~respect to~~ a court's electronic filing system ~~precludes~~  
5 prevents the court from accepting an electronic filing during its regular filing hours  
6 on a particular court day, and the electronic filer demonstrates that he or she  
7 attempted to electronically file the document on that day, the court must deem the  
8 document as filing received filed on that day. This ~~provision~~ subdivision does not  
9 apply to the filing of a complaint or any other initial pleading in an action or  
10 proceeding.

11  
12 **(e) Endorsement**  
13

- 14 (1) The court's endorsement of a document electronically filed must contain the  
15 following: "Electronically filed by Superior Court of California, County of  
16 \_\_\_\_\_, on \_\_\_\_\_ [date]," followed by the name of the court clerk.  
17  
18 (2) ~~This~~ The endorsement required under (1) has the same force and effect as a  
19 manually affixed endorsement stamp with the signature and initials of the  
20 court clerk.  
21  
22 (3) A complaint or another initial pleading in an action or proceeding that is filed  
23 and endorsed electronically may be printed and served on the defendant or  
24 respondent in the same manner as if it had been filed in paper form.  
25

26 **(f) Issuance of electronic summons**  
27

- 28 (1) On the electronic filing of a complaint, a petition, or another document that  
29 must be served with a summons, the court may transmit a summons  
30 electronically to the electronic filer.  
31  
32 (2) The electronically transmitted summons must contain an image of the court's  
33 seal and the assigned case number.  
34  
35 (3) Personal service of the printed form of ~~an electronic~~ a summons transmitted  
36 electronically to the electronic filer has the same legal effect as personal  
37 service of a copy of an original summons.  
38

39 **Rule ~~2.260.2060~~. Electronic service**  
40

41 **(a) ~~Applicability~~ Consent to electronic service**  
42

- 1 (1) When a notice may be served by mail, express mail, overnight delivery, or  
2 facsimile transmission, electronic service of the notice is permitted.  
3  
4 (2) A party indicates that he or she agrees to accept electronic service by:  
5  
6 (A) Filing and serving a notice that the party accepts electronic service. The  
7 notice must include the electronic notification addresses at which the  
8 party agrees to accept service; or  
9  
10 (B) Electronically filing any document with the court. ~~By~~ The act of  
11 electronic filing, is evidence that the party agrees to accept service at ~~any~~  
12 the electronic notification address the party has furnished to the court ~~in~~  
13 ~~accordance with~~ under rule ~~2056(a)(4)~~ 2.256(a)(4).  
14

15 **(b) When service is complete**  
16

- 17 (1) Electronic service is complete at the time of transmission.  
18  
19 (2) If a document is served electronically, any period of notice, or any right or  
20 duty to act or respond within a specified period or on a date certain after  
21 service of the document, is extended by two court days.  
22  
23 (3) The extension under ~~subdivision (b)~~ (2) does not extend the time for filing:  
24  
25 (A) A notice of intention to move for a new trial;  
26  
27 (B) A notice of intention to move to vacate the judgment under Code of  
28 Civil Procedure section 663a; or  
29  
30 (C) A notice of appeal.  
31  
32 (4) Service that occurs after the close of business is ~~considered~~ deemed to have  
33 occurred on the next court day.  
34

35 **(c) Proof of service**  
36

- 37 (1) Proof of electronic service may be by any of the methods provided in Code of  
38 Civil Procedure section 1013(a), except that the proof of service must state:  
39  
40 (A) The electronic notification address of the person making the service, in  
41 place of that person's residence or business address;  
42

1 (B) The date and time of the electronic service, in place of the date and place  
2 of deposit in the mail;

3  
4 (C) The name and electronic notification address of the person served, in  
5 place of that person's name and address as shown on the envelope; and  
6

7 (D) That the document was served electronically and the transmission was  
8 reported as complete and without error, in place of the statement that the  
9 envelope was sealed and deposited in the mail with postage fully  
10 prepaid.  
11

12 (2) Proof of electronic service may be in electronic form and may be filed  
13 electronically with the court.  
14

15 (3) In accordance with rule ~~3.17(e)~~ 3.1300(c), proof of service of the moving  
16 papers must be filed at least five calendar days before the hearing.  
17

18 (4) The party filing the proof of service must maintain the printed form of the  
19 document bearing the declarant's original signature and must make the  
20 document available for review and copying on the request of the court or any  
21 party to the action or proceeding in which it is filed, ~~in accordance with the~~  
22 manner provided in rule 2.257(a).  
23

24 **(d) Change of electronic notification address**  
25

26 (1) A party whose electronic notification address changes while the action or  
27 proceeding is pending must promptly file a notice of change of address with  
28 the court electronically and must serve this notice on all other parties ~~or their~~  
29 ~~attorneys of record~~.  
30

31 (2) An electronic notification address is presumed valid for a party if the party  
32 files electronic documents with the court from that address and has not filed  
33 and served notice that the address is no longer valid.  
34

35 **(e) Electronic service by court**  
36

37 ~~A~~ The court may electronically serve any notice, order, judgment, or other  
38 document ~~prepared~~ issued by the court in the same manner that parties may serve  
39 documents by electronic service.  
40

41 **Rule ~~2.261.2061~~. Authorization for courts to continue modifying forms for the**  
42 **purpose of electronic filing and forms generation**  
43

Courts that participated in pilot projects for electronic filing and forms generation under former rule 981.5 are authorized to continue to modify Judicial Council forms for the purpose of accepting electronic filing or providing electronic generation of court documents provided that the modification of the forms is consistent with the rules in this chapter.

### **Chapter 3. Filing and Service by Fax**

#### **Rule 2001. Authority**

~~The rules in this division are adopted pursuant to Code of Civil Procedure section 1012.5 and the authority granted to the Judicial Council by the Constitution, article VI, section 6.~~

#### **Rule 2.300.2002. Applicability**

##### **(a) Proceedings to which rules apply**

~~These~~ The rules in this chapter apply to civil, probate, and family law proceedings in all trial courts. Rule 5.522 ~~1406.5~~ applies to fax filing in juvenile law proceedings.

##### **(b) Documents that may not be issued by fax**

Notwithstanding any provision in ~~these~~ the rules in this chapter, no will, codicil, bond, or undertaking ~~shall~~ may be filed by fax nor ~~shall~~ may a court issue by fax any document intended to carry the original seal of the court.

#### **Rule 2.301.2003. Definitions**

As used in this ~~division~~ chapter, unless the context ~~requires~~ otherwise requires:

~~(1) “These rules” means the rules in this division.~~

(1) “Fax” is an abbreviation for “facsimile,” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(2) “Facsimile transmission” or “fax transmission” is means the transmission of a document by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.

(3) “Facsimile machine” or “fax machine” means a machine that can send a facsimile transmission using the international standard for scanning, coding,



and transmission established for Group 3 machines by the Consultative Committee of International Telegraphy and Telephone of the International Telecommunications Union (CCITT),<sup>2</sup> in regular resolution. Any ~~faesimile~~ fax machine used to send documents to a court under rule ~~2006~~ 2.305 must send at an initial transmission speed of no less than 4800 baud and be able to generate a transmission record. “~~Faesimile~~ Fax machine” includes, but is not limited to, a facsimile modem that is connected to a personal computer.

- (4) “Facsimile filing” or “~~filing by fax~~ filing” means the ~~faesimile~~ fax transmission of a document to a court that accepts such documents.
- (5) “Service by fax” means the transmission of a document to a party or the attorney for a party ~~pursuant to~~ under these the rules in this chapter.
- (6) “Transmission record” means the document printed by the sending ~~faesimile~~ fax machine stating the telephone number of the receiving fax machine, the number of pages sent, the transmission time and date, and an indication of any errors in transmission.
- (7) “~~Fax~~” is ~~an abbreviation for “faesimile,” and refers, as indicated by the context, to faesimile transmission or to a document so transmitted.~~
- ~~(8)~~(7) “Fax filing agency” means an entity that receives documents by fax for processing and filing with the court.

**Rule ~~2.302,2004~~. Compliance with the rules 201 and 501 on the form and format of papers**

The document used for transmitting a fax ~~shall~~ must comply with ~~rule 201 or 501 the rules in division 2, chapter 1 of this title and any applicable local rules~~ regarding form or format of papers. Any exhibit that exceeds 8-1/2 by 11 inches ~~shall~~ must be reduced in size to not more than 8-1/2 by 11 inches before it is transmitted. The court may require the filing party to file the original of an exhibit that the party has ~~been~~ filed by fax.

**Rule ~~2.303,2005~~. Filing through fax filing agency**

**(a) Transmission of document for filing**

<sup>2</sup> Recommendations T.4 and T.30, Volume VII—Facsimile VII.3, CCITT Red Book, Malaga-Torremolinos, 1984, U.N. Bookstore Code ITU 6731.

1 A party may transmit a document by fax to a fax filing agency for filing with any  
2 trial court. The agency acts as the agent of the filing party and not as an agent of the  
3 court.

4  
5 **(b) Duties of fax filing agency**

6  
7 The fax filing agency that receives a document for filing ~~shall~~ must:

- 8  
9 (1) Prepare the document so that it complies with ~~rule 201 or 501~~ the rules in  
10 division 2, chapter 1 of this title and any other requirements for filing with the  
11 court;  
12  
13 (2) Physically transport the document to the court; and  
14  
15 (3) File the document with the court, paying any applicable filing fee.  
16

17 **(c) Requirement of advance arrangements**

18  
19 A fax filing agency ~~shall~~ is not be required to accept papers for filing from any  
20 ~~company party~~ unless appropriate arrangements for payment of filing fees and  
21 service charges have been made in advance of any transmission to the agency. If an  
22 agency receives a documents from a person party with whom it does not have prior  
23 arrangements, the agency may discard the document; without notice to the ~~sending~~  
24 ~~party sender~~; ~~discard the document~~.  
25

26 **(d) Confidentiality**

27  
28 A fax filing agency ~~shall~~ must keep all documents transmitted to it confidential  
29 except as provided in ~~these~~ the rules in this chapter.  
30

31 **(e) Certification**

32  
33 A fax filing agency, by filing a document with the court, certifies that it has  
34 complied with ~~these~~ the rules in this chapter and that the document filed is the full  
35 and unaltered facsimile-produced document received by it. ~~No additional~~  
36 ~~certification shall be required of the agency.~~ The agency is not required to give any  
37 additional certification.  
38

39 **(f) Notation of fax filing**

40  
41 Each document filed by a fax filing agency ~~shall~~ must contain the phrase “By fax”  
42 immediately below the title of the document.  
43

1 **Rule ~~2.304.2006~~ Direct filing**

2  
3 **(a) Courts in which applicable**

4  
5 A party may file by fax directly to any court that, by local rule, has provided for  
6 direct fax filing. The local rule ~~shall~~ must state that direct fax filing may be made  
7 ~~pursuant to these~~ under the rules in this chapter and ~~shall~~ must provide the fax  
8 telephone number for filings and specific telephone numbers for any departments to  
9 which fax filings should be made directly. The court ~~shall~~ must also accept agency  
10 filings under rule ~~2005~~ 2.303.

11  
12 **(b) Mandatory cover sheet**

13  
14 ~~A facsimile filing shall be accompanied by~~ A party filing a document directly by  
15 fax must use the Judicial Council *Facsimile Transmission Cover Sheet* specified by  
16 rule ~~2009~~ (form 2009). The cover sheet ~~shall~~ must be the first page transmitted, to  
17 be followed by any special handling instructions needed to ensure that the document  
18 will comply with local rules. Neither the cover sheet nor the special handling  
19 instructions ~~shall~~ is to be filed in the case. The court ~~shall~~ must ensure that any  
20 credit card information on the cover sheet ~~shall~~ is not be publicly disclosed. The  
21 court ~~shall~~ is not be required to keep a copy of the cover sheet.

22  
23 **(c) Notation of fax filing**

24  
25 Each document transmitted for direct filing with the court ~~shall~~ must contain the  
26 phrase “By fax” immediately below the title of the document.

27  
28 **(d) Presumption of filing**

29  
30 A party filing by fax ~~shall~~ must cause the transmitting ~~facsimile~~ fax machine to  
31 print a transmission record of each filing by fax. If the ~~facsimile filing document~~  
32 transmitted to the court by fax machine is not filed with the court because of (1) an  
33 error in the transmission of the document to the court ~~which that~~ which was unknown to  
34 the sending party or (2) a failure to process the ~~facsimile filing document after it has~~  
35 been ~~when~~ received by the court, the sending party may move the court for an order  
36 filing the document nunc pro tunc. The motion ~~shall~~ must be accompanied by the  
37 transmission record and a proof of transmission in the following form:

38  
39 “At the time of transmission I was at least 18 years of age and not a party to this  
40 legal proceeding. On (date) \_\_\_\_\_ at (time) \_\_\_\_\_, I transmitted to the  
41 (court name) \_\_\_\_\_ the following documents (name)  
42 \_\_\_\_\_ by facsimile machine, ~~pursuant to~~ under California Rules of  
43 Court, rule ~~2006~~ 2.304. The court’s fax telephone number that I used was (fax

1 telephone number) \_\_\_\_\_. The facsimile machine I used complied with rule  
2 2003 2.301 and no error was reported by the machine. Pursuant to Under rule 2006  
3 2.304, I caused the machine to print a transmission record of the transmission, a  
4 copy of which is attached to this declaration.  
5

6 “I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.”  
8

9 **(e) Payment of fees by credit card**

10  
11 (1) ~~Visa or MasterCard account~~ Credit or debit card payments  
12

13 ~~A Visa or MasterCard account may~~ The court may permit credit cards, debit  
14 cards, electronic funds transfers or debit accounts to be used to pay for filing  
15 fees on facsimile filings made directly with the court, as provided in  
16 Government Code section 6159, rule 6.703, and other applicable laws. The  
17 cover sheet for these filings shall must include (1) the Visa or MasterCard  
18 credit or debit card account number to which the fees shall may be charged,  
19 (2) the signature of the cardholder authorizing the charging of the fees, and (3)  
20 the expiration date of the credit or debit card. Notwithstanding Government  
21 Code section 6159(c), a court does not need the consent of the county board of  
22 supervisors to permit the use of credit cards to pay filing fees in filings  
23 covered by these rules.  
24

25 (2) *Rejection of charge*  
26

27 If the charge is rejected by the credit or debit card issuing company, the court  
28 shall must proceed in the same manner as under Code of Civil Procedure  
29 section 411.20 relating to returned checks. This provision shall does not  
30 prevent a court from seeking authorization for the charge before the filing and  
31 rejecting the filing if the charge is not approved by the issuing company.  
32

33 (3) *Amount of charge*  
34

35 The amount charged ~~shall be~~ is the applicable filing fee plus any fee or  
36 discount imposed by the card issuer or draft purchaser.  
37

38 **(Reviser's note: Subdivisions (e)(1)–(2) are revised to be consistent with rule 2.25 on**  
39 **methods of payment of fees for electronic filings.)**  
40

41 **(f) Filing fee accounts**  
42

1 If a court so provides in its local rule establishing a direct fax filing program, an  
2 account may be used to pay for documents filed by fax by an attorney or party who  
3 has established an account with the court before filing a paper by fax. The court  
4 may require the deposit in advance of an amount not to exceed \$1,000 or the court  
5 may agree to bill the attorney or party not more often than monthly.

6  
7 **(g) Facsimile filing fee**  
8

9 In addition to any other fee imposed by law, a party filing a document by fax  
10 directly with a court ~~shall~~ must pay a fee of \$1 for each page of the document.  
11

12 **Rule ~~2.305.2007~~. Requirements for signatures on documents**  
13

14 **(a) Possession of original document**  
15

16 A party who files or serves a signed document by fax ~~pursuant to~~ under Code of  
17 ~~Civil Procedure section 1012.5 and these~~ the rules in this chapter represents that the  
18 original signed document is in ~~his or her~~ the party's possession or control.  
19

20 **(b) Demand for original; waiver**  
21

22 At any time after filing or service of a signed facsimile document, any other party  
23 may serve a demand for production of the original physically signed document. The  
24 demand ~~shall~~ must be served on all other parties but ~~shall~~ not be filed with the  
25 court.  
26

27 **(c) Examination of original**  
28

29 If a demand for production of the original signed document is made, the parties  
30 ~~shall~~ must arrange a meeting at which the original signed document can be  
31 examined.  
32

33 **(d) Fax signature as original**  
34

35 Notwithstanding any provision of law to the contrary, including sections 255 and  
36 260 of the Evidence Code, a signature produced by ~~faesimile~~ fax transmission is  
37 deemed to be an original.  
38

39 **(Reviser's note: This rule might be amended to be more consistent with rule 2.257**  
40 **on the electronic filing of documents.)**  
41

42 **Rule ~~2.306.2008~~. Service of papers by faesimile fax transmission**  
43

1 **(a) ~~Transmission of papers by court~~**

2  
3 ~~A court may serve any notice by fax in the same manner that litigants may serve~~  
4 ~~papers by fax.~~  
5

6 **(b) (a) Service by fax**

7  
8 **(1) Agreement of parties required**

9  
10 Service by ~~faecimile~~ fax transmission ~~shall be~~ is permitted only if the parties  
11 agree and a written confirmation of that agreement is made.  
12

13 **(2) Service on last-given fax number**

14  
15 ~~The~~ Any notice or other ~~paper~~ document to be served must be transmitted to a  
16 ~~faecimile~~ fax machine maintained by the person on whom it is served at the  
17 ~~faecimile~~ fax machine telephone number as last given by that person on any  
18 document ~~which that he or she~~ the party has filed in the ~~eause~~ case and served  
19 on the party making service.  
20

21 **(b) Transmission of papers by court**

22  
23 A court may serve any notice by fax in the same manner that parties may serve  
24 papers by fax.  
25

26 **(c) Notice period extended**

27  
28 ~~The service is complete at the time of transmission, but, Except as provided in (d),~~  
29 any prescribed period of notice and any right or duty to do any act or make any  
30 response within any prescribed period or on a date certain after the service of ~~such a~~  
31 document served by ~~faecimile~~ fax transmission ~~shall be~~ is extended by two court  
32 days, ~~but such~~  
33

34 **(d) Extension inapplicable to certain motions**

35  
36 The extension provided in (c) shall does not apply to extend the time for the filing  
37 of:  
38

39 **(1) A notice of intention to move for new trial;**

40  
41 **(2) A notice of intention to move to vacate judgment under section 663 of the**  
42 **Code of Civil Procedure; or**  
43

1       (3) A notice of appeal.

2  
3 ~~(e)~~ **(e) Availability of fax**

4  
5       A party or attorney agreeing to accept service by fax ~~shall~~ must make his or her fax  
6 machine generally available for receipt of served documents between the hours of 9  
7 a.m. and 5 p.m. on days that are not court holidays under Code of Civil Procedure  
8 section 136. This provision does not prevent the party or attorney from sending  
9 other documents by means of the fax machine or providing for normal repair and  
10 maintenance of the fax machine during these hours.

11  
12 ~~(d)~~ **(f) When service complete**

13  
14       ~~Except as provided in subdivision (e),~~ Service by fax is complete upon receipt of  
15 transmission of the entire document ~~by~~ to the receiving party's ~~facsimile fax~~  
16 machine. Service that ~~occurs~~ is completed after 5 p.m. ~~shall be~~ is deemed to have  
17 occurred on the next court day. Time ~~shall be~~ is extended as provided by this rule.

18  
19 ~~(e)~~ **(g) Proof of service by fax**

20  
21       Proof of service by fax may be made by any of the methods provided in Code of  
22 Civil Procedure section 1013(a), except that:

- 23  
24       (1) The time, date, and sending ~~facsimile fax~~ machine telephone number ~~shall~~  
25 must be used in lieu instead of the date and place of deposit in the mail;  
26  
27       (2) The name and ~~facsimile fax~~ machine telephone number of the person served  
28 ~~shall must~~ be used in lieu instead of the name and address of the person served  
29 as shown on the envelope;  
30  
31       (3) A statement that the document was ~~transmitted sent~~ by ~~facsimile fax~~  
32 transmission and that the transmission was reported as complete and without  
33 error ~~shall must~~ be used in lieu instead of the statement that the envelope was  
34 sealed and deposited in the mail with the postage thereon fully prepaid;  
35  
36       (4) A copy of the transmission report ~~shall must~~ be attached to the proof of  
37 service and the proof of service ~~shall must~~ declare that the transmission report  
38 was properly issued by the ~~transmitting facsimile~~ sending fax machine; and  
39  
40       (5) Service of papers by fax is ineffective if the transmission does not fully  
41 conform to these provisions.  
42

1 **~~Rule 2009. Facsimile Transmission Cover Sheet~~**

2  
3 ~~The Facsimile Cover Sheet shall be in the following form:~~  
4 ~~Note:~~

5  
6 ~~This form is not reproduced here. A copy is available from the court clerk.~~

7  
8 **Division 4. Court Records**

9  
10 **Chapter 1. General Provisions**

11  
12 **Rule 2.400.243. Court records**

13  
14 **(a) Removal of papers**

15  
16 Only the clerk ~~shall~~ may remove and replace papers in the court's files. Unless  
17 otherwise ordered by the court, filed papers may only be inspected by the public in  
18 the office of the clerk and released to a court officer ~~or attaché~~ for use in a court  
19 facility. No original papers filed with the clerk ~~shall~~ may be used in any location  
20 other than a court facility, unless so ordered by the presiding judge ~~or a judge~~  
21 ~~designated by the presiding judge.~~

22  
23 **(b) Original papers filed with the clerk; duplicate papers for temporary judge or**  
24 **referee**

25  
26 In a case pending before a temporary judge or referee, whether privately  
27 compensated or not, a party ~~shall~~ must tender and the clerk ~~shall~~ must accept for  
28 filing all original papers accompanied by the required fee within the time limits  
29 specified by law. The filing party ~~shall~~ must provide a file-stamped copy to the  
30 temporary judge or referee of each paper relevant to the issues before the ~~private~~  
31 temporary judge or referee. When the paper may be filing filed ~~of the paper does~~  
32 ~~not require the~~ without payment of a fee, ~~in lieu~~ instead of a file-stamped copy, the  
33 filing party may use a true copy of the paper accompanied by a declaration about  
34 the date of its filing.

35  
36 **(c) Return of exhibits**

37  
38 (1) ~~No exhibit shall be released from the possession of the clerk~~ The clerk must  
39 not release any exhibit except on order of the court. The clerk ~~shall~~ must  
40 require a signed receipt for a released exhibit.

41  
42 (2) If proceedings are conducted by a temporary judge or a referee outside of  
43 court facilities, the temporary judge or referee ~~shall~~ must keep all exhibits and



1 deliver them, properly marked, to the clerk at the conclusion of the  
2 proceedings, unless the parties file a written stipulation that the exhibits may  
3 be disposed of otherwise. On request of the temporary judge or referee, the  
4 clerk ~~shall~~ must deliver exhibits to the possession of the temporary judge or  
5 referee, who ~~shall~~ must not release them to any person other than the clerk.  
6 Exhibits in the possession of the temporary judge or referee ~~shall~~ must be  
7 made available during business hours for inspection by any person within a  
8 reasonable time after request.  
9

## 10 **Chapter 2. Public Access to Electronic Trial Court Records**

### 11 **Rule ~~2.500.2070~~. Statement of purpose**

#### 12 **(a) Intent**

13  
14 The rules in this chapter are intended to provide the public with reasonable access to  
15 trial court records that are maintained in electronic form, while protecting privacy  
16 interests.  
17

#### 18 **(b) Benefits of electronic access**

19  
20 Improved technologies provide courts with many alternatives to the historical  
21 paper-based record receipt and retention process, including the creation and use of  
22 court records maintained in electronic form. Providing public access to trial court  
23 records that are maintained in electronic form may save the courts and the public  
24 time, money, and effort and encourage courts to be more efficient in their  
25 operations. Improved access to trial court records may also foster in the public a  
26 more comprehensive understanding of the trial court system.  
27

#### 28 **(c) No creation of rights**

29  
30 ~~These~~ The rules in this chapter are not intended to give the public a right of access  
31 to any record that they are not otherwise entitled to access. The rules do not create  
32 any right of access to records that are sealed by court order or confidential as a  
33 matter of law.  
34

### 35 **Advisory Committee Comment**

36  
37 The rules in this chapter acknowledge the benefits that electronic court records provide but attempt to  
38 limit the potential for unjustified intrusions into the privacy of individuals involved in litigation that can  
39 occur as a result of remote access to electronic court records. The proposed rules take into account the  
40 limited resources currently available in the trial courts. It is contemplated that the rules may be modified  
41 to provide greater electronic access as the courts' technical capabilities improve and with the knowledge  
42 gained from the experience of the courts in providing electronic access under these rules.  
43  
44

1  
2 **Rule ~~2.501.2071.~~ Authority and Applicability Application and scope**

3  
4 **(a) ~~Authority~~**

5  
6 The rules in this chapter are adopted under the authority granted to the Judicial  
7 Council by article VI, section 6 of the California Constitution and Code of Civil  
8 Procedure section 1010.6.  
9

10 **(b) ~~(a)~~ Applicability**

11  
12 The rules in this chapter apply only to trial court records.  
13

14 **(e) ~~(b)~~ Access by parties and attorneys**

15  
16 The rules in this chapter apply only to access to court records by the public. They  
17 do not limit access to court records by a party to an action or proceeding, by the  
18 attorney of a party, or by other persons or entities that are entitled to access by  
19 statute or ~~California Rules of Court~~ rule.  
20

21 **Rule ~~2.502.2072.~~ Definitions**

22  
23 **(a) ~~Court record~~**

24  
25 As used in this chapter, the following definitions apply:  
26

27 (1) “Court record” is any document, paper, or exhibit filed by the parties to an  
28 action or proceeding; any order or judgment of the court; and any item listed  
29 in subdivision (a) of Government Code section 68151, excluding any  
30 reporter’s transcript for which the reporter is entitled to receive a fee for any  
31 copy. The term does not include the personal notes or preliminary memoranda  
32 of judges or other judicial branch personnel.  
33

34 **(b) ~~Electronic record~~**

35  
36 (2) ~~As used in this chapter,~~ “Electronic record” is a computerized court record,  
37 regardless of the manner in which it has been computerized. The term includes  
38 both a document that has been filed electronically and an electronic copy or  
39 version of a record that was filed in paper form. The term does not include a  
40 court record that is maintained only on microfiche, paper, or any other medium  
41 that can be read without the use of an electronic device.  
42

1 **(e) ~~The public~~**

2  
3 (3) ~~As used in this chapter,~~ “The public” is means an individual, a group, or an  
4 entity, including print or electronic media, or the representative of an  
5 individual, a group, or an entity.  
6

7 **(d) ~~Electronic access~~**

8  
9 (4) “Electronic access” means computer access to court records available to the  
10 public through both public terminals at the courthouse and remotely, unless  
11 otherwise specified in ~~these~~ the rules in this chapter.  
12

13 **Rule 2.503.2073. Public access**

14  
15 **(a) General right of access**

16  
17 All electronic records must be made reasonably available to the public in some  
18 form, whether in electronic or in paper form, except those that are sealed by court  
19 order or ~~are~~ made confidential by law.  
20

21 **(b) Electronic access required to extent feasible**

22  
23 A court that maintains the following records in electronic form must provide  
24 electronic access to them, both remotely and at the courthouse, to the extent it is  
25 feasible to do so:;  
26

27 (1) Registers of actions (as defined in Gov. Code, § 69845), calendars, and  
28 indexes in all cases; and  
29

30 (2) All records in civil cases, except those listed in (c)(1)–(6).  
31

32 **(c) Courthouse electronic access only**

33  
34 A court that maintains the following records in electronic form must provide  
35 electronic access to them at the courthouse, to the extent it is feasible to do so, but  
36 may provide remote electronic access only to the records governed by (b):  
37

38 (1) ~~Any~~ Records in a proceeding under the Family Code, including, ~~but not~~  
39 ~~limited to,~~ proceedings for dissolution, legal separation, and nullity of  
40 marriage; child and spousal support proceedings; and child custody  
41 proceedings;  
42

43 (2) ~~Any~~ Records in a juvenile court proceeding;

- 1  
2 (3) ~~Any~~ Records in a guardianship or conservatorship proceeding;  
3  
4 (4) ~~Any~~ Records in a mental health proceeding;  
5  
6 (5) ~~Any~~ Records in a criminal proceeding; and  
7  
8 (6) ~~Any~~ Records in a civil harassment proceeding under Code of Civil Procedure  
9 section 527.6.

10  
11 (d) **“Feasible” defined**  
12

13 As used in this rule, the requirement that a court provide electronic access to its  
14 electronic records “to the extent it is feasible to do so” means that a court is required  
15 to provide electronic access to the extent it determines it has the resources and  
16 technical capacity to do so.  
17

18 (e) **Remote electronic access allowed in extraordinary criminal cases**  
19

20 Notwithstanding ~~(b)(2)~~ (c)(5), the presiding judge of the court, ~~or a judge assigned~~  
21 ~~by the presiding judge~~, may exercise discretion, subject to (e)(1), to permit  
22 electronic access to all or a portion of the public court records in an individual  
23 criminal case if ~~(2)~~ (1) the number of requests for access to documents in the case is  
24 extraordinarily high, (2) responding to those requests would significantly burden the  
25 operations of the court, and (3) the benefits of remote electronic access outweigh  
26 privacy interests of the parties, victims, witnesses, and court personnel. An  
27 individualized determination must be made in each case in which such remote  
28 electronic access is provided.  
29

- 30 (1) In exercising discretion under (e), the judge should consider the relevant  
31 factors, such as:  
32  
33 (A) The privacy interests of parties, victims, witnesses, and court personnel,  
34 and the ability of the court to redact sensitive personal information;  
35  
36 (B) The benefits and burdens on the parties in allowing remote electronic  
37 access, including possible impacts on jury selection; and  
38  
39 (C) The benefits to and burdens on the court and court staff.  
40  
41 (2) The court should, to the extent feasible, redact the following information from  
42 records to which it allows remote access under (e); driver license numbers;  
43 dates of birth; social security numbers; Criminal Identification and

1 Information and National Crime Information umbers; addresses and phone  
2 numbers of parties, victims, witnesses, and court personnel; medical or  
3 psychiatric information; financial information; account numbers; and other  
4 personal identifying information. The court may order any party who files a  
5 document containing such information to provide the court with both an  
6 original unredacted version of the document for filing in the court file and a  
7 redacted version of the document for remote electronic access. No juror names  
8 or other juror identifying information may be provided by remote electronic  
9 access. This subdivision does not apply to any document in the original court  
10 file; it applies only to documents that are available by remote electronic  
11 access.  
12

13 (3) Five days' notice must be provided to the parties and the public before the  
14 court makes a determination to provide remote electronic access under this  
15 rule. Notice to the public may be accomplished by posting notice on the court  
16 Web site. Any person may file comments with the court for consideration, but  
17 no hearing is required.  
18

19 (4) The court's order permitting remote electronic access must specify which  
20 court records will be available by remote electronic access and what categories  
21 of information are to be redacted. The court is not required to make findings  
22 of fact. The court's order must be posted on the court's Web site and a copy  
23 sent to the Judicial Council.  
24

25 ~~(e)~~ **(f) Access only on a case-by-case basis**  
26

27 A court may only grant electronic access to an electronic record when the record is  
28 identified by the number of the case, the caption of the case, or the name of a party,  
29 and only on a case-by-case basis. This case-by-case limitation does not apply to a  
30 the court's electronic records of a calendar, register of actions, or index.  
31

32 ~~(f)~~ **(g) Bulk distribution**  
33

34 A The court may provide bulk distribution of only its electronic records of a  
35 calendar, register of actions, and index. "Bulk distribution" means distribution of  
36 all, or a significant subset, of the court's electronic records.  
37

38 ~~(g)~~ **(h) Records that become inaccessible**  
39

40 If an electronic record to which the court has provided electronic access is made  
41 inaccessible to the public by court order or by operation of law, the court is not  
42 required to take action with respect to any copy of the record that was made by the  
43 public before the record became inaccessible.

1  
2 **~~(h)~~ (i) Off-site access**

3  
4 Courts should encourage availability of electronic access to court records at public  
5 off-site locations.  
6

7 **Advisory Committee Comment**  
8

9 The rule allows a level of access by the public to all electronic records that is at least equivalent to the  
10 access that is available for paper records and, for some types of records, is much greater. At the same  
11 time, it seeks to protect legitimate privacy concerns.  
12

13 Subdivision (c) excludes certain records (those other than the register, calendar, and indexes) in specified  
14 types of cases (notably criminal, juvenile, and family court matters) from remote electronic access. The  
15 committee recognized that while these case records are public records and should remain available at the  
16 courthouse, either in paper or electronic form, they often contain sensitive personal information. The  
17 court should not publish that information over the Internet. However, the committee also recognized that  
18 the use of the Internet may be appropriate in certain criminal cases of extraordinary public interest where  
19 information regarding the case will be widely disseminated through the media. In such cases posting of  
20 selected nonconfidential court records, redacted where necessary to protect the privacy of the participants,  
21 may provide more timely and accurate information regarding the court proceedings, and may relieve  
22 substantial burdens on court staff in responding to individual requests for documents and information.  
23 Thus, under subdivision (e), if the presiding judge makes individualized determinations in a specific case,  
24 certain records in criminal cases may be made available over the Internet.  
25

26 Subdivisions (f) and (g) limit electronic access to records (other than the register, calendars, or indexes) to  
27 a case-by-case basis and prohibit bulk distribution of those records. These limitations are based on the  
28 qualitative difference between obtaining information from a specific case file and obtaining bulk  
29 information that may be manipulated to compile personal information culled from any document, paper,  
30 or exhibit filed in a lawsuit. This type of aggregate information may be exploited for commercial or other  
31 purposes unrelated to the operations of the courts, at the expense of privacy rights of individuals.  
32

33 Courts must send a copy of the order permitting remote electronic access in extraordinary criminal cases  
34 to: Office of the Secretariat, Executive Office Programs Division, Administrative Office of the Courts,  
35 455 Golden Gate Avenue, San Francisco, CA 94102-3688.  
36

37 **Rule ~~2.504.2074~~. Limitations and conditions**  
38

39 **(a) Means of access**  
40

41 A court that maintains records in electronic form must provide electronic access to  
42 those records by means of a network or software that is based on industry standards  
43 or is in the public domain.  
44

45 **(b) Official record**  
46

1 Unless electronically certified by the court, a trial court record available by  
2 electronic access ~~does not constitute~~ is not the official record of the court.

3  
4 **(c) Conditions of use by persons accessing records**

5  
6 A court may condition electronic access to its records on:

7  
8 (1) The user's consent to access the records only as instructed by the court;

9  
10 (2) The user's consent to the court's monitoring of access to its records.

11  
12 ~~A~~ The court must give notice of these conditions, in any manner it deems  
13 appropriate. The court may deny access to a member of the public for failure to  
14 comply with any of these conditions of use.

15  
16 **(d) Notices to persons accessing records**

17  
18 ~~A~~ The court must give notice of the following information to members of the public  
19 accessing its ~~electronic~~ records electronically, in any manner it deems appropriate:

20  
21 (1) The identity of the court staff member to be contacted about the requirements  
22 for accessing the court's records electronically.

23  
24 (2) That copyright and other proprietary rights may apply to information in a case  
25 file absent an express grant of additional rights by the holder of the copyright  
26 or other proprietary right. ~~The~~ This notice ~~should~~ must ~~indicate~~ advise the  
27 public that:

28  
29 (A) Use of such information in a case file is permissible only to the extent  
30 permitted by law or court order; and

31  
32 (B) Any use inconsistent with proprietary rights is prohibited.

33  
34 (3) Whether electronic records ~~constitute~~ are the official records of the court. The  
35 notice ~~should~~ must ~~indicate~~ describe the procedure and any fee required for  
36 obtaining a certified copy of an official record of the court.

37  
38 (4) That any person who willfully destroys or alters any court record maintained  
39 in electronic form is subject to the penalties imposed by Government Code  
40 section 6201.

41  
42 **(e) Access policy**

1 A The court must post a privacy policy on its public-access Web site to inform  
2 members of the public accessing its electronic records of the information it collects  
3 regarding access transactions and the uses that the court may make of the collected  
4 information.

5  
6 **Rule 2.505.2075. Contracts with vendors**

7  
8 **(a) Contract must provide access consistent with rules**

9  
10 A The court's contract with a vendor to provide public access to its electronic  
11 records must be consistent with ~~these~~ the rules in this chapter and must require the  
12 vendor to provide public access to court records and to protect the confidentiality of  
13 court records as required by law or by court order.

14  
15 **(b) Contract must provide that court owns the records**

16  
17 Any contract between a the court and a vendor to provide public access to the  
18 court's electronic records ~~maintained in electronic form~~ must ~~specify~~ provide that  
19 the court is the owner of these records and has the exclusive right to control their  
20 use.

21  
22 **Rule 2.506.2076. Fees for electronic access**

23  
24 **(a) Court may impose fees**

25  
26 A The court may impose fees for the costs of providing public access to its  
27 electronic records, ~~as provided by~~ under Government Code section 68150(h). On  
28 request, a the court must provide the public with a statement of the costs on which  
29 these fees are based.

30  
31 **(b) Fees of vendor must be reasonable**

32  
33 To the extent that public access to a court's electronic records is provided  
34 exclusively through a vendor, the court must ensure that any fees the vendor  
35 imposes for the costs of providing access are reasonable.

36  
37 **Rule 2.507.2077. Electronic access to court calendars, indexes, and registers of  
38 actions**

39  
40 **(a) Intent**

41  
42 The intent of this rule is to specify information to be included in and excluded from  
43 the court calendars, indexes, and registers of actions to which public access is



1 available by electronic means under rule ~~2073(b)~~ 2.503(b). To the extent it is  
2 feasible to do so, the court must maintain court calendars, indexes, and registers of  
3 actions available to the public by electronic means in accordance with this rule.  
4

5 **(b) Minimum contents for electronically accessible court calendars, indexes, and**  
6 **registers of actions**  
7

8 (1) The electronic court calendar must include:  
9

10 (A) Date of court calendar;  
11

12 (B) Time of calendared event;  
13

14 (C) Court department number;  
15

16 (D) Case number; and  
17

18 (E) Case title (unless made confidential by law-).  
19

20 (2) The electronic index must include:  
21

22 (A) Case title (unless made confidential by law);  
23

24 (B) Party names (unless made confidential by law);  
25

26 (C) Party type;  
27

28 (D) Date on which the case was filed; and  
29

30 (E) Case number.  
31

32 (3) The register of actions must be a summary of every proceeding in a case, in  
33 compliance with Government Code section 69845, and must include:  
34

35 (A) Date case commenced;  
36

37 (B) Case number;  
38

39 (C) Case type;  
40

41 (D) Case title (unless made confidential by law);  
42

43 (E) Party names (unless made confidential by law);

1  
2 (F) Party type;

3  
4 (G) Date of each activity; and

5  
6 (H) Description of each activity.

7  
8 **(c) Information that must be excluded from court calendars, indexes, and registers**  
9 **of actions**

10  
11 The following information must be excluded from a court's electronic calendar,  
12 index, and register of actions:

13  
14 (1) Social security number;

15  
16 (2) Any financial information;

17  
18 (3) Arrest warrant information;

19  
20 (4) Search warrant information;

21  
22 (5) Victim information;

23  
24 (6) Witness information;

25  
26 (7) Ethnicity;

27  
28 (8) Age;

29  
30 (9) Gender;

31  
32 (10) Government-issued identification card numbers (i.e., military);

33  
34 (11) Driver's license number; and

35  
36 (12) Date of birth.

37  
38 **Chapter 3. Sealed Records**

39  
40 **Rule 2.550.243.1. Sealed records**

41  
42 **(a) Applicability**

- 1 (1) Rules ~~243.1–243.4~~ 2.550–2.551 apply to records sealed or proposed to be  
2 sealed by court order.  
3  
4 (2) These rules do not apply to records that are required to be kept confidential by  
5 law.  
6  
7 (3) These rules ~~also~~ do not apply to discovery motions and records filed or lodged  
8 in connection with discovery motions or proceedings. However, the rules do  
9 apply to discovery materials that are used at trial or submitted as a basis for  
10 adjudication of matters other than discovery motions or proceedings.  
11

12 **(b) Definitions**

13  
14 As used in this chapter:

- 15  
16 (1) “Record.” Unless the context indicates otherwise, “record” as used in this rule  
17 means all or a portion of any document, paper, exhibit, transcript, or other  
18 thing filed or lodged with the court.  
19  
20 (2) “Sealed.” A “sealed” record is a record that by court order is not open to  
21 inspection by the public.  
22  
23 (3) “Lodged.” A “lodged” record is a record that is temporarily placed or  
24 deposited with the court, but not filed.  
25

26 **(c) Court records presumed to be open**

27  
28 Unless confidentiality is required by law, court records are presumed to be open.  
29

30 **(d) Express factual findings required to seal records**

31  
32 The court may order that a record be filed under seal only if it expressly finds facts  
33 that establish:  
34

- 35 (1) There exists an overriding interest that overcomes the right of public access to  
36 the record;  
37  
38 (2) The overriding interest supports sealing the record;  
39  
40 (3) A substantial probability exists that the overriding interest will be prejudiced  
41 if the record is not sealed;  
42  
43 (4) The proposed sealing is narrowly tailored; and

(5) No less restrictive means exist to achieve the overriding interest.

**(e) Content and scope of the order**

(1) An order sealing the record must:

(i) (A) Specifically set forth the facts that support the findings; and

(ii) (B) Direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each document or page must be included in the public file.

(2) Consistent with Code of Civil Procedure sections 639 and 645.1, if the records that a party is requesting be placed under seal are voluminous, the court may appoint a referee and fix and allocate the referee's fees among the parties.

**Advisory Committee Comment ~~(2004)~~**

This rule and rule ~~243.2~~ 2.551 provide a standard and procedures for courts to use when a request is made to seal a record. The standard is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. These rules apply to civil and criminal cases. They recognize the First Amendment right of access to documents used at trial or as a basis of adjudication. The rules do not apply to records that courts must keep confidential by law. Examples of confidential records to which public access is restricted by law are records of the family conciliation court (Family Code, § 1818(b)), in forma pauperis applications (Cal. Rules of Court, rule 985(h)), and search warrant affidavits sealed under *People v. Hobbs* (1994) 7 Cal.4th 948. The sealed records rules also do not apply to discovery proceedings, motions, and materials that are not used at trial or submitted to the court as a basis for adjudication. (See *NBC Subsidiary, supra*, 20 Cal.4th at pp. 1208–1209, fn. 25.)

Rule ~~243.1(d)–(e)~~ 2.550(d)–(e) is derived from *NBC Subsidiary*. That decision contains the requirements that the court, before closing a hearing or sealing a transcript, must find an “overriding interest” that supports the closure or sealing, and must make certain express findings. (*Id.* at pp. 1217–1218). The decision notes that the First Amendment right of access applies to records filed in both civil and criminal cases as a basis for adjudication. (*Id.* at pp. 1208–1209, fn. 25.) Thus, the *NBC Subsidiary* test applies to the sealing of records.

*NBC Subsidiary* provides examples of various interests that courts have acknowledged may constitute “overriding interests.” (See *id.* at p.1222, fn. 46.) Courts have found that, under appropriate circumstances, various statutory privileges, trade secrets, and privacy interests, when properly asserted and not waived, may constitute “overriding interests.” The rules do not attempt to define what may constitute an “overriding interest,” but leave this to case law.

**Rule ~~2.551.243.2~~ 2.551. Procedures for filing records under seal**

1   **(a) Court approval required**  
2

3       A record must not be filed under seal without a court order. The court must not  
4       permit a record to be filed under seal based solely upon the agreement or stipulation  
5       of the parties.  
6

7   **(b) Motion or application to seal a record**  
8

9       (1) Motion or application required  
10

11       A party requesting that a record be filed under seal must file a motion or an  
12       application for an order sealing the record. The motion or application must be  
13       accompanied by a memorandum ~~of points and authorities~~ and a declaration  
14       containing facts sufficient to justify the sealing.  
15

16       (2) Service of motion or application  
17

18       A copy of the motion or application must be served on all parties who have  
19       appeared in the case. Unless the court orders otherwise, any party that already  
20       possesses copies of the records to be placed under seal must be served with a  
21       complete, unredacted version of all papers as well as a redacted version.  
22

23       (3) Procedure for party not intending to file motion or application  
24

25       (A) A party who files or intends to file with the court, for the purposes of  
26       adjudication or to use at trial, records produced in discovery that are  
27       subject to a confidentiality agreement or protective order, and does not  
28       intend to request to have the records sealed, must:  
29

30           (i) Lodge the unredacted records subject to the confidentiality  
31           agreement or protective order and any pleadings, memorandums,  
32           declarations, and other documents that disclose the contents of the  
33           records, in the manner stated in (d);  
34

35           (ii) File copies of the documents in (i) that are redacted so that they do  
36           not disclose the contents of the records that are subject to the  
37           confidentiality agreement or protective order; and  
38

39           (iii) Give written notice to the party who produced the records that the  
40           records and the other documents lodged under (i) will be placed in  
41           the public court file unless that party files a timely motion or  
42           application to seal the records under this rule.  
43

1 (B) If the party who produced the documents and was served with the notice  
2 under (A)(iii) fails to file a motion or an application to seal the records  
3 within 10 days or to obtain a court order extending the time to file such a  
4 motion or an application, the clerk must promptly remove all the  
5 documents in (A)(i) from the envelope or container where they are  
6 located and place them in the public file. If the party files a motion or an  
7 application to seal within 10 days or such later time as the court has  
8 ordered, these documents are to remain conditionally under seal until the  
9 court rules on the motion or application and thereafter are to be filed as  
10 ordered by the court.

11  
12 (4) Lodging of record pending determination of motion or application

13  
14 The party requesting that a record be filed under seal must lodge it with the  
15 court under (d) when the motion or application is made, unless good cause  
16 exists for not lodging it or the record has previously been lodged under  
17 (3)(A)(i). Pending the determination of the motion or application, the lodged  
18 record will be conditionally under seal.

19  
20 (5) Redacted and unredacted versions

21  
22 If necessary to prevent disclosure, any motion or application, any opposition,  
23 and any supporting documents must be filed in a public redacted version and  
24 lodged in a complete version conditionally under seal.

25  
26 (6) Return of lodged record

27  
28 If the court denies the motion or application to seal, the clerk must return the  
29 lodged record to the submitting party and must not place it in the case file  
30 unless that party notifies the clerk in writing within 10 days after the order  
31 denying the motion or application that the record is to be filed.

32  
33 (c) **References to nonpublic material in public records**

34  
35 A record filed publicly in the court must not disclose material contained in a record  
36 that is sealed, conditionally under seal, or subject to a pending motion or an  
37 application to seal.

38  
39 (d) **Procedure for lodging of records**

40  
41 (1) A record that may be filed under seal must be put in an envelope or other  
42 appropriate container, sealed in the envelope or container, and lodged with the  
43 court.

- 1  
2 (2) The envelope or container lodged with the court must be labeled  
3 “CONDITIONALLY UNDER SEAL.”  
4  
5 (3) The party submitting the lodged record must affix to the envelope or container  
6 a cover sheet that:  
7  
8 (A) Contains all the information required on a caption page under rule ~~204~~  
9 2.111; and  
10  
11 (B) States that the enclosed record is subject to a motion or an application to  
12 file the record under seal.  
13  
14 (4) Upon receipt of a record lodged under this rule, the clerk must endorse the  
15 affixed cover sheet with the date of its receipt and must retain but not file the  
16 record unless the court orders it filed.  
17

18 **(e) Order**  
19

- 20 (1) If the court grants an order sealing a record, the clerk must substitute on the  
21 envelope or container for the label required by (d)(2) a label prominently  
22 stating, “SEALED BY ORDER OF THE COURT ON (DATE),” and must  
23 replace the cover sheet required by (d)(3) with a filed-endorsed copy of the  
24 court’s order.  
25  
26 (2) The order must state whether—in addition to records in the envelope or  
27 container—the order itself, the register of actions, any other court records, or  
28 any other records relating to the case are to be sealed.  
29  
30 (3) The order must state whether any person other than the court is authorized to  
31 inspect the sealed record.  
32  
33 (4) Unless the sealing order provides otherwise, it prohibits the parties from  
34 disclosing the contents of any materials that have been sealed in any  
35 subsequently filed records or papers.  
36

37 **(f) Custody of sealed records**  
38

39 Sealed records must be securely filed and kept separately from the public file in the  
40 case.  
41

42 **(g) Custody of voluminous records**  
43

1 If the records to be placed under seal are voluminous and are in the possession of a  
2 public agency, the court may by written order direct the agency instead of the clerk  
3 to maintain custody of the original records in a secure fashion. If the records are  
4 requested by a reviewing court, the trial court must order the public agency to  
5 deliver the records to the clerk for transmission to the reviewing court under these  
6 rules.

7  
8 **(h) Motion, application, or petition to unseal records**

- 9  
10 (1) A sealed record must not be unsealed except upon order of the court.  
11  
12 (2) A party or member of the public may move, apply, or petition, or the court on  
13 its own motion may move, to unseal a record. Notice of any motion,  
14 application, or petition to unseal must be filed and served on all parties in the  
15 case. The motion, application, or petition and any opposition, reply, and  
16 supporting documents must be filed in a public redacted version and a sealed  
17 complete version if necessary to comply with (c).  
18  
19 (3) If the court proposes to order a record unsealed on its own motion, the court  
20 must mail notice to the parties stating the reason therefor. Any party may  
21 serve and file an opposition within 10 days after the notice is mailed or within  
22 such time as the court specifies. Any other party may file a response within 5  
23 days after the filing of an opposition.  
24  
25 (4) In determining whether to unseal a record, the court must consider the matters  
26 addressed in rule ~~243.1(e)-(e)~~ 2.550(c)-(e).  
27  
28 (5) The order unsealing a record must state whether the record is unsealed entirely  
29 or in part. If the court's order unseals only part of the record or unseals the  
30 record only as to certain persons, the order must specify the particular records  
31 that are unsealed, the particular persons who may have access to the record, or  
32 both. If, in addition to the records in the envelope or container, the court has  
33 previously ordered the sealing order, the register of actions, or any other court  
34 records relating to the case to be sealed, the unsealing order must state  
35 whether these additional records are unsealed.  
36

37 **Chapter 4. Records in False Claims Act Cases**

38  
39 **Rule 2.570,243.5. Filing False Claims Act records under seal**

40  
41 **(a) Application**  
42



Rules ~~243.5–243.8~~ 2.570–2.573 apply to records initially filed under seal under the False Claims Act, Government Code section 12650 et seq. As to these records, rules ~~243.1–243.4~~ 2.550–2.551 on sealed records do not apply.

**(b) Definitions**

As used in this chapter, unless the context or subject matter otherwise requires:

- (1) “Attorney General” means the Attorney General of the State of California.
- (2) “Prosecuting authority” ~~refers to~~ means the county counsel, city attorney, or other local government official charged with investigating, filing, and conducting civil legal proceedings on behalf of or in the name of a particular political subdivision.
- (3) “*Qui tam* plaintiff” ~~refers to~~ means a person who files a complaint under the False Claims Act.
- (4) ~~Unless the context indicates otherwise~~ The definitions in Government Code section 12650 apply to the rules 243.5–243.8 in this chapter.

**(c) Confidentiality of records filed under the False Claims Act**

Records of actions filed by a *qui tam* plaintiff must initially be filed as confidential and under seal as required by Government Code section 12652(c). Until the seal is lifted, the records in the action must remain under seal, except to the extent otherwise provided in this rule.

**(d) Persons permitted access to sealed records in a False Claims Act cases**

(1) Public access prohibited

As long as the records in a False Claims Act case are under seal, public access to the records in the case is prohibited. The prohibition on public access applies not only to ~~not only~~ filed documents but also to computerized electronic records that would disclose information about the case, including the identity of any plaintiff or defendant.

(2) Information on register of actions

As long as the records in a False Claims Act case are under seal, only the information concerning filed records contained on the confidential cover sheet

1 prescribed under rule ~~243.6~~ 2.571(c) ~~is to~~ may be entered into the register of  
2 actions that is accessible to the public.

3  
4 ~~(1)~~ (3) *Parties permitted access to the sealed court file*

5  
6 As long as the ~~file is~~ records in a False Claims Act case are under seal, the  
7 only parties permitted access to the court file are ~~the following~~:

8  
9 (A) The Attorney General;

10  
11 (B) A prosecuting authority for the political subdivision on whose behalf the  
12 action is brought, unless the political subdivision is named as a  
13 defendant; and

14  
15 (C) A prosecuting authority for any other political subdivision interested in  
16 the matter whose identity has been provided to the court by the Attorney  
17 General.

18  
19 ~~(2)~~ (4) *Parties not permitted access to the sealed court file*

20  
21 As long as ~~the file is~~ records in a False Claims Act case are under seal, no  
22 defendant is permitted to have access to the court records or other information  
23 ~~regarding~~ concerning the case. Defendants not permitted access include any  
24 political subdivision that has been named as a defendant in a False Claims Act  
25 action.

26  
27 ~~(3)~~ (5) *Qui tam plaintiff's limited access to sealed court file*

28  
29 The *qui tam* plaintiff in a False Claims Act case ~~is permitted~~ may have access  
30 to all documents filed by the *qui tam* plaintiff and to such other documents as  
31 the court may order.

32  
33 **Rule ~~2.571.243.6~~ 2.571.243.6. Procedures for filing records under seal in a False Claims Act**  
34 **cases ~~under seal~~**

35  
36 **(a) No sealing order required**

37  
38 On the filing of an action under the False Claims Act, the complaint, motions for  
39 extensions of time, and other papers filed with the court must be kept under seal.  
40 Under Government Code section 12652, no order sealing these records is necessary  
41 ~~because the sealing of these records is required under Government Code section~~  
42 ~~12652.~~

1 (b) **Special procedures for Filing a False Claims Act case in counties a county**  
2 **where filings are accepted in multiple locations**  
3

4 In ~~counties~~ a county where complaints in civil cases may be filed in more than one  
5 location, the presiding judge must designate one particular location where all filings  
6 in False Claims Act cases must be made.  
7

8 (c) **Special cover sheet omitting names of the parties**  
9

10 In a False Claims Act cases, the complaint and every other paper filed while the  
11 case is under seal must have a completed *Confidential Cover Sheet—False Claims*  
12 *Action* (form MC-060) affixed to the first page.  
13

14 (d) **Filing of papers under seal**  
15

16 When the complaint or other paper in a False Claims Act case is filed under seal,  
17 the clerk must stamp both the cover sheet and the caption page of the paper.  
18

19 (e) **Custody of sealed records**  
20

21 Records in a False Claims Act cases that are confidential and under seal must be  
22 securely filed and kept separate from the public file in the case.  
23

24 **Rule ~~2.572.243.7.~~ Motion Ex parte application for an extension of time**  
25  
26

27 A party in a False Claims Act case may apply under the ex parte rules in title 3 for an  
28 ~~motion for extension of time under Government Code section 12652 may be applied for~~  
29 ~~ex parte under rule 379.~~  
30

31 **Rule ~~2.573.243.8.~~ Unsealing of records and management of False Claims Act cases**  
32

33 (a) **Expiration or lifting of seal**  
34

35 (1) Records in a False Claims Act case to which public access has been prohibited  
36 under Government Code section 12652(c) must remain under seal until the  
37 Attorney General and all local prosecuting authorities involved in the action  
38 have notified the court of their decision to intervene or not intervene.  
39

40 (2) ~~They~~ The Attorney General and all local prosecuting authorities involved in  
41 the action must ~~provide~~ give this the notice required under (1) within 60 days  
42 of the filing of the complaint or before an order extending the time to  
43 intervene has expired, unless a new motion to extend time to intervene is

1 pending, in which case the seal remains in effect until a ruling is made on the  
2 motion.

3  
4 **(b) Coordination of state and local authorities**

5  
6 The Attorney General and all local prosecuting authorities must coordinate their  
7 activities to provide timely and effective notice to the court that:

- 8  
9 (1) A political subdivision or subdivisions remain interested in the action and  
10 have not yet determined whether to intervene; or  
11  
12 (2) The seal has been extended by the filing or grant of a motion to extend time to  
13 intervene and therefore the seal has not expired.

14  
15 **(c) Designation of lead local prosecuting authority**

16  
17 In a False Claims Act case in which the Attorney General is not involved or has  
18 declined to intervene and local prosecuting authorities remain interested in the  
19 action, the court may designate a lead prosecuting authority to keep the court  
20 apprised of whether all the prosecuting authorities have either intervened or  
21 declined to intervene, and whether the seal is to be lifted.

22  
23 **(d) Order unsealing record**

24  
25 The Attorney General or other prosecuting authority filing a notice of intervention  
26 or nonintervention must submit a proposed order indicating the documents that are  
27 to be unsealed or to remain sealed.

28  
29 **(e) Case management**

30  
31 (1) Case management conferences

32  
33 The court, at the request of the parties, or on its own motion, may hold a  
34 conference at any time in a False Claims Act case to determine what case  
35 management is appropriate for the case, including the lifting or partial lifting  
36 of the seal, the scheduling of trial and other events, and any other matters that  
37 may assist in managing the case.

38  
39 (2) Exemption from case management rules

40  
41 Cases under the False Claims Act are exempt from rules ~~201.7~~ 3.110 and ~~212.~~  
42 ,the case management rules in title 3, division 7, but are subject to such case  
43 management orders as the court may issue.

## **Chapter 5. Other Sealed or Closed Records**

### **Rule ~~2.580.243.3~~. Request for delayed public disclosure**

In an action in which the prejudgment attachment remedy under Code of Civil Procedure section 483.010 et seq. is sought, if the plaintiff requests at the time a complaint is filed that the records in the action or the fact of the filing of the action be made temporarily unavailable to the public under Code of Civil Procedure section 482.050, the plaintiff must file a declaration stating one of the following:

- (1) “This action is on a claim for money based on contract against a defendant who is not a natural person. The claim is not secured within the meaning of Code of Civil Procedure section 483.010(b).”—or—
- (2) “This action is on a claim for money based on contract against a defendant who is a natural person. The claim arises out of the defendant’s conduct of a trade, business, or profession, and the money, property, or services were not used by the defendant primarily for personal, family, or household purposes. The claim is not secured within the meaning of Code of Civil Procedure section 483.010(b).”

### **Rule ~~2.585.243.4~~. Confidential in-camera proceedings**

#### **(a) Minutes of proceedings**

If a confidential in-camera proceeding is held in which a party is excluded from being represented, the clerk must include in the minutes the nature of the hearing and only such references to writings or witnesses as will not disclose privileged information.

#### **(b) Disposition of examined records**

Records examined by the court in confidence under (a), or copies of them, must be filed with the clerk under seal and must not be disclosed without court order.

## **Division 5. Venue and Sessions**

### **Chapter 1. Venue [Reserved]**

#### **Rule 2.700. Intracounty venue [Reserved]**

(Reviser's note: A rule or rules may be added on this subject to implement recent legislation.)

1  
2 Chapter 2. Sessions [Reserved]  
3

4 **~~Rule 245.5. Superior court sessions held at municipal and justice court locations~~**  
5 **~~under Government Code section 69753~~**  
6

- 7 (a) ~~A civil action or proceeding may be heard at a municipal or justice court location~~  
8 ~~pursuant to Government Code section 69753 unless a party objects to the place of~~  
9 ~~hearing by motion to the presiding judge or sole judge of the superior court. The~~  
10 ~~motion shall be served and filed within 15 days after the clerk or a party mails to the~~  
11 ~~moving party a notice that the case is assigned to the municipal or justice court~~  
12 ~~location but no later than two days before the date set for the moving party's first~~  
13 ~~appearance at that location.~~  
14  
15 (b) ~~A criminal action may be heard at a municipal or justice court location pursuant to~~  
16 ~~section 69753 of the Government Code if each party's written consent is filed. The~~  
17 ~~defendant's consent shall state that the defendant has been advised of and~~  
18 ~~understands the right to have the action heard at a regular superior court location~~  
19 ~~and agrees that the matter may be heard at the specified municipal or justice court~~  
20 ~~location.~~  
21

22 **(Reviser's note: Rule 245.5 is now obsolete because of trial court unification.**  
23 **Government Code section 69753 was repealed by Stats. 2002, c. 784 (S.B. 1316), §**  
24 **300. However, a chapter on "sessions" is reserved for future rules on this subject.)**  
25

26 **Division 6. Appointments by the Court or Agreement of the Parties**  
27

28 **(Reviser's note: The Judicial Council has repealed rule 880 effective July 1, 2006,**  
29 **when the new rules on temporary judges become effective.)**  
30

31 **~~Rule 880. Temporary judges, referees, and privately compensated judges—~~**  
32 **~~definitions~~**  
33

34 ~~In these rules, unless the context or subject matter otherwise requires:~~  
35

- 36 (1) ~~"Temporary judge" means a member of the State Bar appointed pursuant to article~~  
37 ~~VI, section 21 of the California Constitution and rule 244 or rule 532.~~  
38  
39 (2) ~~Unless otherwise indicated, "referee" means a person appointed under section 638~~  
40 ~~or 639 of the Code of Civil Procedure.~~  
41  
42 (3) ~~"Privately compensated" means that a temporary judge or referee is paid by the~~  
43 ~~parties.~~

(Reviser's note: Rule 243.10, which becomes effective on July 1, 2006, would be repealed effective January 1, 2007 because at that time its content would be included in the definitions in title 1, rule 1.6.)

**Rule ~~243.10~~. Definition of temporary judge**

~~"Temporary judge" means an active or inactive member of the State Bar of California who, under article VI, section 21 of the California Constitution and the California Rules of Court, serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment, for each period of service or each case heard.~~

**Chapter 1. Court-Appointed Temporary Judges**

(Reviser's note: Rules 2.810–2.819 (currently rules 243.11–243.21) have been adopted by the Judicial Council effective July 1, 2006.)

**Rule 2.810, ~~243.11~~. Temporary judges appointed by the trial courts**

**(a) Scope of rules**

Rules ~~243.11–243.21~~ 2.810–2.819 apply to attorneys who serve as court-appointed temporary judges in the trial courts. The rules do not apply to subordinate judicial officers, to retired judicial officers appointed by the courts to serve as temporary judges, or to attorneys designated by the courts to serve as temporary judges at the parties' request.

**(b) Definition of "court-appointed temporary judge"**

A "court-appointed temporary judge" means an attorney who has satisfied the requirements for appointment under rule ~~243.13~~ 2.812 and has been appointed by the court to serve as a temporary judge in that court.

**(c) Appointment of attorneys as temporary judges**

Trial courts may appoint an attorney as a temporary judge only if the attorney has satisfied the requirements of rule ~~243.13~~ 2.812.

**(d) Exception for extraordinary circumstances**

A presiding judge may appoint an attorney who is qualified under ~~243.13(a)~~ 2.812(a), but who has not satisfied the other requirements of that rule, only in case

of extraordinary circumstances. Any appointment under this subdivision based on extraordinary circumstances must be made before the attorney serves as a temporary judge, must be recorded for reporting purposes under rule ~~6.742(e)(3)~~ 10.742(c)(3), and must not last more than 10 court days in a three-year period.

**(e) Operative date**

The operative date of rules ~~243.11–243.14~~ 2.810–2.813 is January 1, 2007. By that date, all court-appointed temporary judges must satisfy the eligibility and training requirements specified in these rules. Rule 1726 and section 16.5 of the Standards of Judicial Administration, as amended effective January 1, 2006, will remain in effect until December 31, 2006, at which time they are repealed.

**Rule 2.811, ~~243.12~~. Court appointment of temporary judges**

**(a) Purpose of court appointment**

The purpose of court appointment of attorneys as temporary judges is to assist the public by providing the court with a panel of trained, qualified, and experienced attorneys who may serve as temporary judges at the discretion of the court if the court needs judicial assistance that it cannot provide using its full-time judicial officers.

**(b) Appointment and service discretionary**

Court-appointed attorneys are appointed and serve as temporary judges solely at the discretion of the presiding judge.

**(c) No employment relationship**

Court appointment and service of an attorney as a temporary judge do not establish an employment relationship between the court and the attorney.

**(d) Responsibility of the presiding judge for appointments**

The appointment of attorneys to serve as temporary judges is the responsibility of the presiding judge, who may designate another judge or committee of judges to perform this responsibility. In carrying out this responsibility, the presiding judge is assisted by a Temporary Judge Administrator as prescribed by rule ~~6.743~~ 10.743.

**Rule 2.812, ~~243.13~~. Requirements for court appointment of an attorney to serve as a temporary judge**



1   **(a) Experience required for appointment and service**

2  
3   The presiding judge may not appoint an attorney to serve as a temporary judge  
4   unless the attorney has been admitted to practice as a member of the State Bar of  
5   California for at least 10 years before the appointment. However, for good cause,  
6   the presiding judge may permit an attorney who has been admitted to practice for at  
7   least 5 years to serve as a temporary judge.  
8

9   **(b) Conditions for appointment by the court**

10  
11   The presiding judge may appoint an attorney to serve as a temporary judge only if  
12   the attorney:

- 13  
14   (1) Is a member in good standing of the State Bar and has no disciplinary action  
15       pending;  
16  
17   (2) Has not pled guilty or no contest to a felony, or has not been convicted of a  
18       felony that has not been reversed;  
19  
20   (3) Has satisfied the education and training requirements in (c);  
21  
22   (4) Has satisfied all other general conditions that the court may establish for  
23       appointment of an attorney as a temporary judge in that court; and  
24  
25   (5) Has satisfied any additional conditions that the court may require for an  
26       attorney to be appointed as a temporary judge for a particular assignment or  
27       type of case in that court.  
28

29   **(c) Education and training requirements**

30  
31   The presiding judge may appoint an attorney to serve as a temporary judge only if  
32   the following minimum training requirements are satisfied:  
33

- 34   (1) *Mandatory training on bench conduct and demeanor*

35  
36       Before appointment, the attorney must have attended and successfully  
37       completed, within the previous three years, a course of at least 3 hours  
38       duration on the subjects identified in rule ~~243.14(a)~~ 2.813(a) approved by the  
39       court in which the attorney will serve. This course must be taken in person  
40       and be taught by a qualified judicial officer or other person approved by the  
41       Administrative Office of the Courts.  
42

- 43   (2) *Mandatory training in ethics*

Before appointment, the attorney must have attended and successfully completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule ~~243.14(b)~~ 2.813(b) approved by the court in which the attorney will serve. This course may be taken by any means approved by the court, including in-person, by broadcast with participation, or online.

(3) *Substantive training*

Before appointment, the attorney must have attended and successfully completed, within the previous three years, a course on the substantive law in each subject area in which the attorney will serve as a temporary judge. These courses may be taken by any means approved by the court, including in-person, by broadcast with participation, or online. The substantive courses have the following minimum requirements:

(A) *Small claims*

An attorney serving as a temporary judge in small claims cases must have attended and successfully completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule ~~243.14(e)~~ 2.813(c) approved by the court in which the attorney will serve.

(B) *Traffic*

An attorney serving as a temporary judge in traffic cases must have attended and completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule ~~243.14(d)~~ 2.813(d) approved by the court in which the attorney will serve.

(C) *Other subject areas*

If the court assigns attorneys to serve as temporary judges in other substantive areas such as civil law, family law, juvenile law, unlawful detainers, or case management, the court must determine what additional training is required and what additional courses are required before an attorney may serve as a temporary judge in each of those subject areas. The training required in each area must be of at least 3 hours duration. The court may also require that an attorney possess additional years of practical experience in each substantive area before being assigned to serve as a temporary judge in that subject area.

1  
2 (D) *Settlement*  
3

4 An attorney need not be a temporary judge to assist the court in  
5 settlement conferences. However, an attorney assisting the court with  
6 settlement conferences. However, an attorney assisting the court with  
7 settlement conferences who performs any judicial function, such as  
8 entering a settlement on the record under section 664.6 of the Code of  
9 Civil Procedure, must be a qualified temporary judge who has satisfied  
10 the training requirements under (c)(1) and (c)(2) of this rule.  
11

12 (E) The substantive training requirements in (3)(A)–(C) do not apply to  
13 courts in which temporary judges are used fewer than 10 times altogether  
14 in a calendar year.  
15

16 (d) **Additional requirements**  
17

18 The presiding judge in each court should establish additional experience and  
19 training requirements for temporary judges beyond the minimum requirements  
20 provided in this rule if it is feasible for the court to do so.  
21

22 (e) **Records of attendance**  
23

24 A court that uses temporary judges must maintain records verifying that each  
25 attorney who serves as a temporary judge in that court has attended and successfully  
26 completed the courses required under this rule.  
27

28 (f) **Application and appointment**  
29

30 To serve as a temporary judge, an attorney must complete the application required  
31 under rule ~~6.744~~ 10.744, must satisfy the requirements prescribed in this rule, and  
32 must satisfy such other requirements as the court appointing the attorney in its  
33 discretion may determine are appropriate.  
34

35 **Advisory Committee Comment (~~2006~~)**  
36

37 The goal of this rule is to ensure that attorneys who serve as court-appointed temporary judges are  
38 qualified and properly trained.  
39

40 **Subdivision (a).** If a court determines that there is good cause under (a) to appoint an attorney with less  
41 than 10 years of practice as a temporary judge, the attorney must still satisfy the other requirements of the  
42 rule before being appointed.  
43

**Subdivision (b).** “Good standing” means that the attorney is currently eligible to practice law in the State of California. An attorney in good standing may be either an active or a voluntarily inactive member of the State Bar. The rule does not require that an attorney be an active member of the State Bar to serve as a court-appointed temporary judge. Voluntarily inactive members may be appointed as temporary judges if the court decides to do so.

**Subdivision (c).** A court may use attorneys who are not temporary judges to assist in the settlement of cases. For example, attorneys may work under the presiding judge or individual judges and may assist them in settling cases. However, these attorneys may not perform any judicial functions such as entering a settlement on the record under Code of Civil Procedure section 664.6. Settlement attorneys who are not temporary judges are not required to satisfy the requirements of these rules, but must satisfy any requirements established by the court for attorneys who assist in the settlement of cases.

## **Rule 2.813. ~~243.14~~. Contents of training programs**

### **(a) Bench conduct**

Before the court may appoint an attorney to serve as a temporary judge in any type of case, the attorney must have received training under rule ~~243.13(e)(1)~~ 2.812(c)(1) in the following subjects:

- (1) Bench conduct, demeanor, and decorum;
- (2) Access, fairness, and elimination of bias; and
- (3) Adjudicating cases involving self-represented parties.

### **(b) Ethics**

Before the court may appoint an attorney to serve as a temporary judge in any type of case, the attorney must have received ethics training under rule ~~243.13(e)(2)~~ 2.812(c)(2) in the following subjects:

- (1) Judicial ethics generally;
- (2) Conflicts;
- (3) Disclosures, disqualifications, and limitations on appearances; and
- (4) Ex parte communications.

### **(c) Small claims**

1 Before the court may appoint an attorney to serve as a temporary judge in small  
2 claims cases, the attorney must have received training under rule ~~243.13(e)(3)(A)~~  
3 2.812(c)(3)(A) in the following subjects:  
4

- 5 (1) Small claims procedures and practices;
- 6
- 7 (2) Consumer sales;
- 8
- 9 (3) Vehicular sales, leasing, and repairs;
- 10
- 11 (4) Credit and financing transactions;
- 12
- 13 (5) Professional and occupational licensing;
- 14
- 15 (6) Tenant rent deposit law;
- 16
- 17 (7) Contract, warranty, tort, and negotiable instruments law; and
- 18
- 19 (8) Other subjects deemed appropriate by the presiding judge based on local  
20 needs and conditions.
- 21

22 In addition, an attorney serving as a temporary judge in small claims cases must be  
23 familiar with the publications identified in Code of Civil Procedure section 116.930.  
24

25 **(d) Traffic**

26  
27 Before the court may appoint an attorney to serve as a temporary judge in traffic  
28 cases, the attorney must have received training under rule ~~243.13(e)(3)(B)~~  
29 2.812(c)(3)(B) in the following subjects:  
30

- 31 (1) Traffic court procedures and practices;
- 32
- 33 (2) Correctable violations;
- 34
- 35 (3) Discovery;
- 36
- 37 (4) Driver licensing;
- 38
- 39 (5) Failure to appear;
- 40
- 41 (6) Mandatory insurance;
- 42
- 43 (7) Notice to appear citation forms;

- 1  
2 (8) Red-light enforcement;  
3  
4 (9) Sentencing and court-ordered traffic school;  
5  
6 (10) Speed enforcement;  
7  
8 (11) Settlement of the record;  
9  
10 (12) Uniform bail and penalty schedules;  
11  
12 (13) Vehicle registration and licensing; and  
13  
14 (14) Other subjects deemed appropriate by the presiding judge based on local  
15 needs and conditions.  
16

17 **Advisory Committee Comment ~~(2006)~~**  
18

19 The purpose of this rule is to ensure that all court-appointed temporary judges have proper training in  
20 bench conduct and demeanor, ethics, and each substantive area in which they adjudicate cases. Each  
21 court is responsible for approving the training and instructional materials for the temporary judges  
22 appointed by that court. The training in bench conduct and demeanor must be in person, but in other  
23 areas each court may determine the approved method or methods by which the training is provided. The  
24 methods may include in-person courses, broadcasts with participation, and online courses. Courts may  
25 offer MCLE credit for courses that they provide and may approve MCLE courses provided by others are  
26 satisfying the substantive training requirements under this rule. Courts may work together with other  
27 courts, or may cooperate on a regional basis, to develop and provide training programs for court-  
28 appointed temporary judges under this rule.  
29

30 **Rule 2.814. ~~243.15~~. Appointment of temporary judge**  
31

32 An attorney may serve as a temporary judge for the court only after the court has  
33 issued an order appointing him or her to serve. Before serving, the attorney must  
34 subscribe the oath of office and must certify that he or she is aware of and will  
35 comply with applicable provisions of canon 6 of the Code of Judicial Ethics and the  
36 California Rules of Court.  
37

38 **Rule 2.815. ~~243.17~~. Continuing education**  
39

40 **(a) Continuing education required**  
41

42 Each attorney appointed as a temporary judge must attend and successfully  
43 complete every three years a course on bench conduct and demeanor, an ethics  
44 course, and a course in each substantive area in which the attorney will serve as a  
45 temporary judge. The courses must cover the same subjects and be of the same

1 duration as the courses prescribed in rule ~~243.13(e)~~ 2.812(c). These courses must be  
2 approved by the court that appoints the attorney.  
3

4 **(b) Records of attendance**  
5

6 A court that uses temporary judges must maintain records verifying that each  
7 attorney who serves as a temporary judge in that court has attended and successfully  
8 completed the courses required under this rule.  
9

10 **Rule 2.816, ~~243.18~~. Stipulation to court-appointed temporary judge**  
11

12 **(a) Application**  
13

14 This rule governs a stipulation for a matter to be heard by a temporary judge when  
15 the court has appointed and assigned an attorney to serve as a temporary judge in  
16 that court.  
17

18 **(b) Contents of notice**  
19

20 Before the swearing in of the first witness at a small claims hearing, before the entry  
21 of a plea by the defendant at a traffic arraignment, or before the commencement of  
22 any other proceeding, the court must give notice to each party that:  
23

- 24 (1) A temporary judge will be hearing the matters for that calendar;  
25  
26 (2) The temporary judge is a qualified member of the State Bar and the name of  
27 the temporary judge is provided; and  
28  
29 (3) The party has a right to have the matter heard before a judge, commissioner,  
30 or referee of the court.  
31

32 **(c) Form of notice**  
33

34 The court may give the notice in (b) by either of the following methods:  
35

- 36 (1) A conspicuous sign posted inside or just outside the courtroom, accompanied  
37 by oral notification or notification by videotape or audiotape by a court officer  
38 on the day of the hearing; or  
39  
40 (2) A written notice provided to each party.  
41

42 **(d) Methods of Stipulation**  
43

1 After notice has been given under (a) and (b), a party stipulates to a court-appointed  
2 temporary judge by either of the following:

- 3
- 4 (1) The party is deemed to have stipulated to the attorney serving as a  
5 temporary judge if the party fails to object to the matter being heard by the  
6 temporary judge before the temporary judge begins the proceeding; or  
7
- 8 (2) The party signs a written stipulation agreeing that the matter may be heard by  
9 the temporary judge.

10

11 **(e) Application or motion to withdraw stipulation**

12

13 An application or motion to withdraw a stipulation for the appointment of a  
14 temporary judge must be supported by a declaration of facts establishing good cause  
15 for permitting the party to withdraw the stipulation. In addition:

16

- 17 (1) The application or motion must be heard by the presiding judge or a judge  
18 designated by the presiding judge.
- 19
- 20 (2) A declaration that a ruling by a temporary judge is based on error of fact or  
21 law does not establish good cause for withdrawing a stipulation.
- 22
- 23 (2) The application or motion must be served and filed, and the moving party  
24 must mail or deliver a copy to the presiding judge.
- 25
- 26 (4) If the application or motion for withdrawing the stipulation is based on  
27 grounds for the disqualification of, or limitation of the appearance by, the  
28 temporary judge first learned or arising after the temporary judge has made  
29 one or more rulings, but before the temporary judge has completed judicial  
30 action in the proceeding, the temporary judge, unless the disqualification or  
31 termination is waived, must disqualify himself or herself, but in the absence of  
32 good cause the rulings the temporary judge has made up to that time must not  
33 be set aside by the judicial officer or temporary judge who replaces the  
34 temporary judge.
- 35

36 **Rule 2.817. ~~243.19.~~ Disclosures to the parties**

37

38 A temporary judge must make all disclosures required under the Code of Judicial  
39 Ethics.

40

41 **Rule 2.818. ~~243.20.~~ Disqualifications and limitations**

42



1 A temporary judge must disqualify himself or herself, and is limited from serving as  
2 a temporary judge in proceedings, as provided under the Code of Judicial Ethics.

3  
4 **Rule 2.819. ~~243.21.~~ Continuing duty to disclose and disqualify**

5  
6 A temporary judge has a continuing duty to make disclosures, to disqualify himself  
7 or herself, and to limit his or her service as provided under the Code of Judicial  
8 Ethics.

9  
10 **Chapter 2. Temporary Judges Requested by the Parties**

11  
12 **(Reviser’s note: Rules 2.830–2.834 (currently rules 243.30–243.34) have been**  
13 **adopted by the Judicial Council effective July 1, 2006.)**

14  
15 **Rule 2.830. ~~243.30.~~ Temporary judges requested by the parties**

16  
17 **(a) Application**

18  
19 Rules ~~243.30–243.34~~ 2.830–2.834 apply to attorneys designated as temporary  
20 judges under article VI, section 21 of the California Constitution at the request of  
21 the parties rather than by prior appointment of the court, including privately  
22 compensated temporary judges and attorneys who serve as temporary judges pro  
23 bono at the request of the parties.

24  
25 **(b) Definition**

26  
27 “Privately compensated” means that the temporary judge is paid by the parties.

28  
29 **(c) Limitation**

30  
31 These rules do not apply to subordinate judicial officers or to attorneys who are  
32 appointed by the court to serve as temporary judges for the court.

33  
34 **Rule 2.831. ~~243.31.~~ Temporary judge—stipulation, order, oath, assignment,**  
35 **disclosure, and disqualification**

36  
37 **(a) Stipulation**

38  
39 When the parties request that an attorney be designated by the court to serve as a  
40 temporary judge on a case, the stipulation of the parties that a case may be tried by a  
41 temporary judge must be in writing and must state the name and office address of  
42 the member of the State Bar agreed on. The stipulation must be submitted for  
43 approval to the presiding judge or the judge designated by the presiding judge.

1  
2 **(b) Order, oath, and certification**  
3

4 The order designating the temporary judge must be signed by the presiding judge or  
5 the presiding judge's designee and refer to the stipulation. The stipulation and order  
6 must then be filed. The temporary judge must take and subscribe the oath of office  
7 and certify that he or she is aware of and will comply with applicable provisions of  
8 canon 6 of the Code of Judicial Ethics and the California Rules of Court.  
9

10 **(c) When the temporary judge may proceed**  
11

12 The temporary judge may proceed with the hearing, trial, and determination of the  
13 cause after the stipulation, order, oath, and certification have been filed.  
14

15 **(d) Disclosure to the parties**  
16

17 In addition to any other disclosure required by law, no later than five days after  
18 designation as a temporary judge or, if the temporary judge is not aware of his or  
19 her designation or of a matter subject to disclosure at that time, as soon as  
20 practicable thereafter, a temporary judge must disclose to the parties:  
21

22 (1) Any matter subject to disclosure under the Code of Judicial Ethics; and  
23

24 (2) Any personal or professional relationship known to the temporary judge that  
25 the temporary judge or the temporary judge's law firm has or has had with a  
26 party, attorney, or law firm in the current case.  
27

28 **(e) Disqualification**  
29

30 In addition to any other disqualification required by law, a temporary judge  
31 requested by the parties and designated by the court under this rule must disqualify  
32 himself or herself as provided under the Code of Judicial Ethics.  
33

34 **(f) Motion to withdraw stipulation**  
35

36 A motion to withdraw a stipulation for the appointment of a temporary judge must  
37 be supported by a declaration of facts establishing good cause for permitting the  
38 party to withdraw the stipulation, and must be heard by the presiding judge or a  
39 judge designated by the presiding judge. A declaration that a ruling is based on  
40 error of fact or law does not establish good cause for withdrawing a stipulation.  
41 Notice of the motion must be served and filed, and the moving party must mail or  
42 deliver a copy to the temporary judge. If the motion to withdraw the stipulation is  
43 based on grounds for the disqualification of the temporary judge first learned or

1 arising after the temporary judge has made one or more rulings, but before the  
2 temporary judge has completed judicial action in the proceeding, the provisions, of  
3 rule ~~243.20(f)~~ 2.816(e) apply. If a motion to withdraw a stipulation is granted, the  
4 presiding judge must assign the case for hearing or trial as promptly as possible.  
5

6 **Rule 2.832. ~~243.32.~~ Compensation**  
7

8 A temporary judge selected by the parties may not be compensated by the parties  
9 unless the parties agree in writing on a rate of compensation that they will pay.  
10

11 **Rule 2.833. ~~243.33.~~ Notices, use of court facilities, and order for hearing site**  
12

13 **(a) Posting of notice regarding proceeding before privately compensated judge**  
14

15 For all matters pending before privately compensated temporary judges, the clerk  
16 must post a notice in the courthouse indicating the case name and number as well as  
17 the telephone number of a person to contact to arrange for attendance at any  
18 proceeding that would be open to the public if held in a courthouse.  
19

20 **(b) Use of court facilities, court personnel, and summoned jurors**  
21

22 A party who has elected to use the services of a privately compensated judge is  
23 deemed to have elected to proceed outside the courtroom. Court facilities, court  
24 personnel, and summoned jurors may not be used in proceedings pending before a  
25 privately compensated judge except on a finding by the presiding judge that their  
26 use would further the interests of justice.  
27

28 **(c) Order the appropriate hearing site**  
29

30 The presiding judge, on request of any person or on the judge's own motion, may  
31 order that a case before a privately compensated temporary judge must be heard at a  
32 site easily accessible to the public and appropriate for seating those who have made  
33 known their plan to attend hearings. The request must be made by letter with  
34 reasons stated and must be accompanied by a declaration that a copy of the request  
35 was mailed to each party, to the temporary judge, and to the clerk for placement in  
36 the file. The order may require that notice of trial or of other proceedings be given  
37 to the requesting person directly. The granting of an order for an accessible and  
38 appropriate hearing site is not a ground for withdrawal of a stipulation.  
39

40 **Rule 2.834. ~~243.34.~~ Motions or applications to be heard by the court**  
41

42 **(a) Motion or application to seal records**  
43

1 A motion or application to seal records in a cause before a privately compensated  
2 temporary judge must be filed with the court and must be served on all parties, the  
3 temporary judge, and any person or organization that has made known their  
4 intention to attend the hearing. The motion or application must be heard by the trial  
5 court judge to whom the case is assigned or, if the case has not been assigned, by  
6 the presiding judge. Rules ~~243.1–243.2~~ 2.550–2.551 on sealed records apply to  
7 motions or applications filed under this rule.  
8

9 **(b) Motion for leave to file complaint for intervention**

10  
11 A motion for leave to file a complaint for intervention in a cause before a privately  
12 compensated temporary judge must be filed with the court and served on all parties  
13 and the temporary judge. The motion must be heard by the trial court judge to  
14 whom the case is assigned or, if the case has not been assigned, by the presiding  
15 judge. If intervention is allowed, the case must be returned to the trial court docket  
16 unless all parties stipulate in the manner prescribed in rule ~~243.31(a)~~ 8.831(a) to  
17 proceed before the temporary judge.  
18

19 **Chapter 3. Referees [Reserved]**

20  
21 **Chapter 4. Court Interpreters**

22  
23 **Rule ~~2.890.984.4~~ Professional conduct for interpreters**

24  
25 **(a) Representation of qualifications**

26  
27 An interpreter ~~shall~~ must accurately and completely represent his or her  
28 certifications, training, and relevant experience.  
29

30 **(b) Complete and accurate interpretation**

31  
32 An interpreter ~~shall~~ must use his or her best skills and judgment to interpret  
33 accurately without embellishing, omitting, or editing. When interpreting for a party,  
34 the interpreter ~~shall~~ must interpret everything that is said during the entire  
35 proceedings. When interpreting for a witness, the interpreter ~~shall~~ must interpret  
36 everything that is said during ~~his or her~~ the witness's testimony.  
37

38 **(c) Impartiality and avoidance of conflicts of interest**

39  
40 **(1) Impartiality**

41  
42 An interpreter ~~shall~~ must be impartial and unbiased and ~~shall~~ must refrain  
43 from conduct that may give an appearance of bias.

1  
2 (2) Disclosure of conflicts  
3

4 An interpreter ~~shall~~ must disclose to the judge and to all parties any actual or  
5 apparent conflict of interest. Any condition that interferes with the objectivity  
6 of an interpreter ~~shall constitute~~ is a conflict of interest. A conflict may exist if  
7 the interpreter is acquainted with or related to any witness or party to the  
8 action or if the interpreter has an interest in the outcome of the case.  
9

10 (3) Conduct  
11

12 An interpreter ~~shall~~ must not engage in conduct creating the appearance of  
13 bias, prejudice, or partiality.  
14

15 (4) Statements  
16

17 An interpreter ~~shall~~ must not make statements to any person about the merits  
18 of the case until the litigation has concluded.  
19

20 **(d) Confidentiality of privileged communications**  
21

22 An interpreter ~~shall~~ must not disclose privileged communications between counsel  
23 and client to any person.  
24

25 **(e) Giving legal advice**  
26

27 An interpreter ~~shall~~ must not give legal advice to parties and witnesses, nor  
28 recommend specific attorneys or law firms.  
29

30 **(f) Impartial professional relationships**  
31

32 An interpreter ~~shall~~ must maintain an impartial, professional relationship with all  
33 court officers, attorneys, jurors, parties, and witnesses.  
34

35 **(g) Continuing education and duty to the profession**  
36

37 An interpreter ~~shall~~ must, through continuing education, maintain and improve his  
38 or her interpreting skills and knowledge of procedures used by the courts. An  
39 interpreter ~~shall~~ should seek to elevate the standards of performance of the  
40 interpreting profession.  
41

42 **(h) Assessing and reporting impediments to performance**  
43

1 An interpreter ~~shall~~ must assess at all times his or her ability to perform interpreting  
2 services. If an interpreter has any reservation about his or her ability to satisfy an  
3 assignment competently, the interpreter ~~shall~~ must immediately ~~convey~~ disclose that  
4 reservation to the court or other appropriate authority.  
5

6 **(i) Duty to report ethical violations**  
7

8 An interpreter ~~shall~~ must report to the court or other appropriate authority any effort  
9 to impede the interpreter's compliance with the law, this rule, or any other official  
10 policy governing court interpreting and legal translating.  
11

12 **Rule ~~2.891.984.~~ Periodic review of court interpreter skills and professional conduct**  
13

14 Each trial court ~~shall~~ must establish a procedure for biennial, or more frequent, review of  
15 the performance and skills of each court interpreter certified ~~pursuant to~~ under  
16 Government Code section 68560 et seq. ~~of the Government Code~~. The court may  
17 designate a review panel, which ~~shall~~ must include at least one person qualified in the  
18 interpreter's language. The review procedure may include interviews, observations of  
19 courtroom performance, rating forms, and other evaluation techniques.  
20

21 **Rule ~~2.892.984.1.~~ Guidelines for approval of certification programs for interpreters**  
22 **for deaf and hard-of-hearing persons**  
23

24 Each organization, agency, or educational institution that ~~administering~~ tests for  
25 certification of court interpreters for deaf and hard-of-hearing persons ~~pursuant to~~ under  
26 Evidence Code section 754 ~~shall~~ must comply with the guidelines adopted by the Judicial  
27 Council effective February 21, 1992, and any subsequent revisions, and ~~shall~~ must hold a  
28 valid, current approval by the Judicial Council to administer the tests as a certifying  
29 organization. The ~~adopted~~ guidelines are set forth in the *Judicial Council Guidelines for*  
30 *Approval of Certification Programs for Interpreters for Deaf and Hard-of-Hearing*  
31 *Persons*, published by the Administrative Office of the Courts.  
32

33 **Rule ~~2.893.984.2.~~ Appointment of noncertified interpreters in criminal and juvenile**  
34 **delinquency proceedings**  
35

36 **(a) Applicability**  
37

38 This rule applies to trial court proceedings in criminal cases and juvenile  
39 delinquency proceedings under Welfare and Institutions Code section 602 et seq. in  
40 which the court determines that an interpreter is required.  
41

42 **(b) Appointment of noncertified interpreters**  
43

1 An interpreter who is not certified by the Judicial Council to interpret a language  
2 designated by the Judicial Council under Government Code section 68560 et seq.  
3 may be appointed under Government Code section 68561(c) in a proceeding if:  
4

5 (1) Noncertified interpreter provisionally qualified  
6

7 (A) The presiding judge of the court, or other judicial officer designated by  
8 the presiding judge,;

9  
10 (i) Finds the noncertified interpreter to be provisionally qualified  
11 following the Procedures and Guidelines to Appoint a Noncertified  
12 Interpreter in Criminal and Juvenile Delinquency Proceedings  
13 (Designated Languages) (form IN-100), and  
14

15 (ii) Signs an order allowing the interpreter to be considered for  
16 appointment, on ~~on~~ Qualifications of a Noncertified Interpreter (form  
17 IN-110)); and  
18

19 ~~(2)~~ (B) The judge in the proceeding finds on the record that:  
20

21 (i) Good cause exists to appoint the noncertified interpreter; and  
22

23 (ii) The interpreter is qualified to interpret the proceeding, following  
24 procedures adopted by the Judicial Council (see forms IN-100, IN-  
25 110, and IN-120); ~~except~~.  
26

27 (C) Each order of the presiding judge under (b)(1) finding a noncertified  
28 interpreter to be provisionally qualified and allowing the interpreter to be  
29 considered for appointment in a proceeding is for a six-month period.  
30

31 ~~(3)~~ (2) Noncertified interpreter not provisionally qualified  
32

33 (A) To prevent burdensome delay or in other unusual circumstances, at the  
34 request of the defendant, or the minor in a juvenile delinquency  
35 proceeding, the judge in the proceeding may appoint a noncertified  
36 interpreter who is not provisionally qualified under subdivision (b)(1) to  
37 interpret a brief, routine matter provided the judge, on the record;  
38

39 (i) Indicates that the defendant or minor has waived the appointment  
40 of a certified interpreter and the appointment of an interpreter  
41 found provisionally qualified by the presiding judge;:  
42

(ii) Finds that good cause exists to appoint an interpreter who is neither certified nor provisionally qualified; and

(iii) Finds that the interpreter is qualified to interpret that proceeding.

(B) The findings and appointment under (b)(2)(A) made by the judge in the proceeding are effective only in that proceeding. The appointment shall must not be extended to subsequent proceedings without an additional waiver, findings, and appointment.

~~Each order of the presiding judge under subdivision (b)(1) finding a noncertified interpreter to be provisionally qualified and allowing the interpreter to be considered for appointment in a proceeding shall be for a six-month period.~~

~~The findings and appointment under subdivision (b)(2) made by the judge in the proceeding shall be effective in that proceeding only.~~

**(c) Limit on appointment of noncertified interpreters**

(1) A noncertified interpreter allowed to be appointed under ~~subdivision (b)~~ shall may not interpret in the trial courts for more than any four 6-month periods, except that:

~~(1)~~ (A) In counties with a population greater than 80,000, a noncertified interpreter of Spanish may be allowed to interpret for no more than any two 6-month periods.

~~(2)~~ (B) A noncertified interpreter may be allowed to interpret beyond four 6-month periods, or two 6-month periods for an interpreter of Spanish under subdivision (c)(1)(A), if the judge in the proceeding makes a specific finding on the record in each case in which the interpreter is sworn that good cause exists to appoint the interpreter notwithstanding that he or she has failed to achieve Judicial Council certification become certified.

(2) Except as provided in (3), each six-month period under (1) begins on the date a presiding judge signs an order under ~~subdivision (b)(1)(A)(ii)~~ allowing the noncertified interpreter to be considered for appointment.

(3) If an interpreter is provisionally qualified under (b)(1) in more than one court at the same time, ~~the each~~ six-month periods ~~shall run~~ concurrently for purposes of determining the maximum periods allowed in this subdivision.



1   **(d) Waiver of certified interpreter or objection to noncertified interpreter**

2  
3    (1) If after a diligent search a certified interpreter is not available in a criminal  
4       case or in a juvenile delinquency proceeding, the judge in the proceeding ~~shall~~  
5       must inform the defendant; or the minor ~~in a juvenile delinquency proceeding~~,  
6       that;

7  
8       (1) (A) The proposed interpreter is not certified;;

9  
10      (2) (B) The court has found good cause to appoint a noncertified interpreter;;  
11              and

12  
13      (3) (C) The court has found the proposed interpreter to be qualified to  
14              interpret in the proceeding.

15  
16    (2) If the defendant or minor ~~then~~ objects to the appointment of the proposed  
17       interpreter or waives the appointment of a certified interpreter, the objection or  
18       waiver ~~shall~~ must be on the record.

19  
20   **(e) Court record**

21  
22    The minute order or docket ~~shall~~ must record the ~~following~~ information in (1) or (2)  
23    below for each proceeding requiring the appointment of an interpreter:

24  
25    (1) Certified interpreters

26  
27       For each certified interpreter, the following information must be recorded:

28  
29       (i) (A) The name of the interpreter;;

30  
31       (ii) (B) The language to be interpreted;;

32  
33       (iii) (C) The fact that the interpreter is certified to interpret in the language to  
34               be interpreted;; and

35  
36       (iv) (D) Whether the interpreter was administered the interpreter's oath or  
37               has an oath on file with the court (only certified interpreters may  
38               have an oath on file).

39  
40    (2) Noncertified interpreters

41  
42       For each noncertified interpreter, the following information must be recorded:  
43

- 1 (i) (A) The name of the interpreter;:
- 2
- 3 (ii) (B) The language to be interpreted;:
- 4
- 5 (iii) (C) The fact that the interpreter was administered the interpreter's oath;:
- 6
- 7 (iv) (D) The fact that the interpreter is not certified to interpret in the language
- 8 to be interpreted;:
- 9
- 10 (v) (E) Whether a *Certification of Unavailability of Certified Interpreters*
- 11 (form IN-120) for the language to be interpreted is on file for this
- 12 date with the court administrator;:
- 13
- 14 (vi) (F) The court's finding that good cause exists for the court to appoint a
- 15 noncertified interpreter;:
- 16
- 17 (vii) (G) The court's finding that the interpreter is qualified to interpret in the
- 18 proceeding;:
- 19
- 20 (viii) (H) If applicable, the court's finding under ~~subdivision (c)(2)(1)(B)~~ that
- 21 good cause exists for the court to appoint a noncertified interpreter
- 22 beyond the time allowed in ~~subdivision (c)~~; and
- 23
- 24 (ix) (I) If applicable, the objection or waiver of the defendant or minor
- 25 under ~~subdivision (d)~~.
- 26

27 **Rule ~~2.894.984.3~~. Reports on appointments of certified and registered interpreters**

28 **and noncertified and nonregistered interpreters ~~in courts~~**

29

30 Each superior court must report to the Judicial Council on:

31

- 32 (1) The appointment of certified and registered interpreters under Government Code
- 33 section 71802, as required by the Administrative Office of the Courts; and
- 34
- 35 (2) The appointment of noncertified interpreters of languages designated under
- 36 Government Code section 68562(a), and registered and nonregistered interpreters of
- 37 nondesignated languages.
- 38

39 **Division 7. Proceedings**

40

41 **Chapter 1. General Provisions**

42

1 **Rule ~~2.900.825~~. Submission of a cause in a trial court**

2  
3 **(a) Submission**

4  
5 A cause is deemed submitted in a trial court when either of the following first  
6 occurs:

7  
8 (1) The date the court orders the matter submitted; or

9  
10 (2) The date the final paper is required to be filed or the date argument is heard,  
11 whichever is later.

12  
13 **(b) Vacating submission**

14  
15 The court may vacate submission only by issuing an order served on the parties  
16 stating reasons constituting good cause and providing for resubmission.

17  
18 **(c) Pendency of a submitted cause**

19  
20 A submitted cause is pending and undetermined unless the court has announced its  
21 tentative decision or the cause is terminated. The time required to finalize a  
22 tentative decision ~~shall not constitute~~ is not time in which the cause is pending and  
23 undetermined. For purposes of this rule only, a motion ~~which~~ that has the effect of  
24 vacating, reconsidering, or rehearing the cause ~~shall~~ will be considered a separate  
25 and new cause and ~~shall~~ will be deemed submitted as provided in ~~subdivision~~ (a).

26  
27 **Chapter 2. Records of Proceedings**

28  
29 **Rule ~~2.950.980.4~~. Sequential list of reporters**

30  
31 During any reported court proceeding, the clerk ~~shall~~ must keep a sequential list of all  
32 reporters working on the case, indicating the date the reporter worked and the reporter's  
33 name, business address, and Certified Shorthand Reporter license number. If more than  
34 one reporter reports a case during one day, the information pertaining to each reporter  
35 ~~shall~~ must be listed with the first reporter designated "A," the second designated "B," etc.  
36 If reporter "A" returns during the same day, that reporter will be designated as both  
37 reporter "A" and reporter "C" on the list. The list of reporters may be kept in an  
38 electronic database maintained by the clerk; however, a hard copy ~~shall~~ must be available  
39 to members of the public within one working day of a request for the list of reporters.

40  
41 **Rule ~~2.952.980.5~~. Electronic recording as official record of proceedings**

1 (a) **Applicability**

2  
3 This rule ~~is applicable~~ applies when a court has ordered proceedings to be  
4 electronically recorded on a device of a type approved by the Judicial Council or  
5 conforming to specifications adopted by the Judicial Council.  
6

7 (b) **Definitions**

8  
9 As used in this rule, the following definitions apply:

10  
11 (1) “Reel” means an individual reel or cassette of magnetic recording tape or a  
12 comparable unit of the medium on which an electronic recording is made.  
13

14 (2) “Monitor” means any person designated by the court to operate electronic  
15 recording equipment; and to make appropriate notations to identify the  
16 proceedings recorded on each reel, including the date and time of the  
17 recording; The trial judge, a courtroom clerk, or a bailiff may be the  
18 “monitor,” but when recording is of sound only, a separate monitor without  
19 other substantial duties is recommended.  
20

21 (c) **Reel numbers**

22  
23 Each reel ~~shall~~ must be distinctively marked with the date recorded, the department  
24 number of the court, if any, and, if possible, a serial number.  
25

26 (d) **Certificate of monitor**

27  
28 As soon as practicable after the close of each day’s court proceedings, the monitor  
29 ~~shall~~ must execute a certificate for each reel recorded during the day, ~~setting forth~~  
30 stating:  
31

32 (1) That the person executing the certificate was designated by the court as  
33 monitor;  
34

35 (2) The number or other identification assigned to the reel;  
36

37 (3) The date of the proceedings recorded on that reel;  
38

39 (4) The titles and numbers of actions and proceedings, or portions thereof,  
40 recorded on the reel, and general nature of the proceedings; and  
41

42 (5) That the recording equipment was functioning normally, and that all of the  
43 proceedings in open court between designated times of day were recorded,

1 except for such matters as were expressly directed to be “off the record” or as  
2 otherwise specified.

3  
4 **(e) Two or more monitors**

5  
6 If two or more persons acted as monitors during the recording of a single reel, each  
7 monitor shall must execute a certificate as to the portion of the reel that he or she  
8 monitored. The certificate of a person other than a judge, clerk, or deputy clerk of  
9 the court shall must be in the form of an affidavit or declaration under penalty of  
10 perjury.

11  
12 **(f) Storage**

13  
14 The monitor’s certificate, the recorded reel, and the monitor’s notes shall must be  
15 retained and safely stored by the clerk in a manner that will permit so as to provide  
16 ~~for~~ their convenient retrieval and use.

17  
18 **(g) Transcripts**

19  
20 (1) Written transcripts of electronic recordings may be made by or under the  
21 direction of the clerk or a person designated by the court. The person making  
22 the transcript shall must execute an affidavit or declaration under penalty or  
23 perjury that:

24  
25 (1) (A) Identifies the reel or reels transcribed, or the portions thereof, by  
26 reference to the numbers assigned thereto and, where only portions of  
27 a reel are transcribed, by reference to index numbers or other means of  
28 identifying the portion transcribed; and

29  
30 (2) (B) States that the transcript is a full, true, and correct transcript of the  
31 identified reel or reels or the designated portions thereof.

32  
33 (2) The transcript shall must conform, as nearly as possible, to the requirements  
34 for a reporter’s transcript as provided for in these rules.

35  
36 **(h) Use of transcripts**

37  
38 A transcript prepared and certified ~~as provided in the preceding subdivision~~ under  
39 (g), and accompanied by a certified copy of the monitor’s certificate pertaining to  
40 each reel transcribed, is prima facie a true and complete record of the oral  
41 proceedings it purports to cover, and ~~shall satisfy~~ satisfies any requirement in ~~these~~  
42 ~~rules~~ the California Rules of Court or in any statute for a reporter’s transcript of oral  
43 proceedings.

1  
2 **(h) (i) Original reels**

3  
4 A reviewing court may order the transmittal to it of the original reels containing  
5 electronic recordings of proceedings being reviewed by it, or electronic copies of  
6 them.

7  
8 **(i) (j) Record on appeal**

9  
10 **(1) Stipulation and approval of record without transcription**

11  
12 On stipulation of the parties approved by the reviewing court, the original  
13 reels or electronic copies of them may be transmitted as the record of oral  
14 proceedings without being transcribed, in which case the reels or copies  
15 satisfy the requirements in ~~these rules~~ the California Rules of Court or in any  
16 statute for a reporter's transcript.

17  
18 **(2) Request for preparation of transcript**

19  
20 In the absence of ~~that~~ a stipulation and approval under (1), the appellant ~~shall~~  
21 must, within 10 days after filing a notice of appeal in a civil case, serve and  
22 file with the clerk directions indicating the portions of the oral proceedings to  
23 be transcribed and ~~shall~~ must, at the same time, deposit with the clerk the  
24 approximate cost computed as ~~set out~~ specified in rule 4. Other steps  
25 necessary to complete preparation of the record on appeal ~~shall~~ must be taken  
26 following, as nearly as possible, the procedures in rules 4 and 5.

27  
28 **(3) Preparation of transcript**

29  
30 On receiving directions to have a transcript prepared, the clerk may have the  
31 material transcribed by a court employee, but should ordinarily send the reels  
32 in question to a professional recording service that has been certified by the  
33 federal court system or the Administrative Office of the Courts or verified by  
34 the clerk to be skilled in producing transcripts.

35  
36 **Rule ~~2.954.980.6~~ 2.954.980.6. Specifications for electronic recording equipment**

37  
38 **(a) Specifications mandated**

39  
40 Electronic recording equipment used in making the official verbatim record of oral  
41 courtroom proceedings ~~shall~~ must conform to the specifications in this rule.  
42

1 (b) **Sound recording only**

2  
3 The following specifications for electronic recording devices and appurtenant  
4 equipment apply when only sound is to be recorded:

5  
6 (1) Mandatory specifications

- 7  
8 (1) (A) The device ~~is~~ must be capable of simultaneously recording at least  
9 four separate channels or “tracks,” each of which has a separate  
10 playback control so that any one channel separately or any  
11 combination of channels may be played back.  
12  
13 (2) (B) The device ~~does~~ must not have an operative erase head.  
14  
15 (3) (C) The device ~~has~~ must have a digital counter or comparable means of  
16 logging and locating the place on a reel where specific proceedings  
17 took place.  
18  
19 (4) (D) Earphones ~~are~~ must be provided for monitoring the recorded signal.  
20  
21 (5) (E) The signal going to the earphones must comes from a separate  
22 playback head, so that the monitor will hear what has actually been  
23 recorded on the tape.  
24  
25 (6) (F) The device ~~is~~ must be capable of recording at least two hours  
26 without interruption. This requirement may be satisfied by a device  
27 ~~which~~ that automatically switches from one recording deck to  
28 another at the completion of a reel of tape less than two hours in  
29 duration.  
30  
31 (7) (G) A separate visual indicator of signal level ~~is~~ must be provided for  
32 each recording channel.  
33  
34 (8) (H) The appurtenant equipment must includes at least four microphones,  
35 which should include one at the witness stand, one at the bench, and  
36 one at each counsel table. In the absence of unusual circumstances,  
37 all microphones should must be directional (cardioid) ~~in the absence~~  
38 ~~of unusual circumstances.~~  
39  
40 (9) (I) A loudspeaker ~~is~~ must be provided for courtroom playback.  
41

1       (2) Recommended features

2  
3       The following features are recommended, but not required:

4  
5       (10) (A) The recording level control should be automatic rather than manual.

6  
7       (11) (B) The device should be equipped to prevent recording over a  
8               previously recorded segment of tape.

9  
10       (12) (C) The device should give a warning signal at the end of a reel of tape.

11  
12   (c) **Audio-and-video recording**

13  
14       The following specifications for electronic audio-video recording devices and  
15       appurtenant equipment apply when audio and video are to be recorded  
16       simultaneously.

17  
18   (1) Mandatory specifications

19  
20       The system ~~shall~~ must include:

21  
22       (1) (A) At least five charge-coupled-device color video cameras in fixed  
23               mounts, equipped with lenses appropriate to the courtroom. Cameras  
24               ~~shall~~ must conform to EIA standard, accept C-mount lenses, have  
25               2000 lux sensitivity at f4.0 at 3200 degrees Kelvin so as to produce an  
26               adequate picture with 30 lux minimum illumination and an f1.4 lens,  
27               and be approximately 2.6" x 2.4" x 8.0."

28  
29       (2) (B) At least eight phase coherent cardioid (directional) microphones,  
30               Crown PCC-160 or equivalent, appropriately placed.

31  
32       (3) (C) At least two VHS videotape recorders with hi-fi sound on video,  
33               specially modified to record 4 channels of audio, 2 linear channels  
34               with Dolby noise reduction and 2 hi-fi sound on video channels,  
35               capable of recording up to 6 hours on T-120 cassettes, modified to  
36               prevent automatic rewind at end of tape, and wired for remote control.  
37               The two recorders ~~shall~~ must simultaneously record the same audio  
38               and video signals, as selected by the audio-video mixer.

39  
40       (4) (D) A computer controlled audio-video mixer and switching system that:  
41               ~~which performs the functions of~~



- 1 (i) ~~Automatically selecting~~ selects for the VCRs, the signal from the  
2 video camera that is associated with the active microphone; and  
3  
4 (ii) ~~comparing~~ Compares microphone active signal to ambient noise  
5 signal so that microphones are recorded only when a person is  
6 speaking, and so that only the microphone nearest a speaker is  
7 active, thus minimizing recording of ambient noise.  
8  
9 (5) (E) A sound system that serves both as a sound reinforcement system  
10 while recording is in progress, and a playback amplification system,  
11 integrated with other components to minimize feedback.  
12  
13 (6) (F) A time-date generator that is active and recorded at all times the  
14 system is recording.  
15  
16 (7) (G) A color monitor.  
17  
18 (8) (H) Appropriate cables, distribution amplifiers, switches and the like.  
19  
20 (9) (I) The system ~~shall~~ must produce:  
21  
22 (i) A signal visible to the judge, the in-court clerk, and counsel  
23 indicating that the system is recording;  
24  
25 (ii) An audible signal at end-of-tape or if the tape jams while the  
26 controls are set to record; and  
27  
28 (iii) Blanking of the judge's bench monitor when the system is not  
29 actually recording.  
30

31 (2) Recommended features  
32

33 The system should normally include:  
34

- 35 (10) (A) A chambers camera and microphone or microphones ~~which that~~,  
36 when in use, will override any signals originating in the courtroom,  
37 and ~~which that~~ will be inactivated when not in use.  
38  
39 (11) (B) Two additional ~~video-cassette~~ videocassette recorders that will  
40 produce tapes with the same video and audio as the main two, but may  
41 have fewer channels of sound, for the use of parties in cases recorded.  
42

1   **(d) Substantial compliance**

2  
3       A sound or video and sound system that substantially conforms to these  
4       specifications ~~substantially is~~ may be approved; if the deviation does not  
5       significantly impair a major function of the system. Subdivision (c)(4)(1)(D)(ii) ~~is~~  
6       ~~one of the of this rule describes a~~ specifications from which deviation is  
7       permissible, if the system produces adequate sound quality.  
8

9   **(e) Previous equipment**

10  
11       The Administrative Director of the Courts is authorized to approve any electronic  
12       recording devices and equipment acquired prior to the adoption or amendment of  
13       this rule that has been found by the court to produce satisfactory recordings of  
14       proceedings.  
15

16   **(Reviser's note: Current rules 890 and 891 below have been revised and**  
17   **consolidated into rule 2.956 to reflect trial court unification.)**  
18

19   **Rule 2.956.891. Court reporting services in civil cases—~~superior court departments~~**  
20   **generally**  
21

22   **(a) Statutory reference; applicability**

23  
24       This rule is adopted solely to effectuate the statutory mandate of Government Code  
25       sections 68086(a)–(b) and ~~shall~~ must be applied so as to give effect to ~~that~~ these  
26       sections. It applies to ~~superior court departments~~ trial courts.  
27

28   **(b) Notice of availability; parties' request**

29  
30       (1) Local policy to be adopted and posted  
31

32           Each trial court ~~shall~~ must adopt and post in the clerk's office a local policy  
33           enumerating the departments in which the services of official court reporters  
34           are normally available, and the departments in which the services of official  
35           court reporters are not normally available during regular court hours. If the  
36           services of official court reporters are normally available in a department only  
37           for certain types of matters, those matters ~~shall~~ must be identified in the  
38           policy.  
39

40       (2) Publication of policy  
41

42           The court ~~shall~~ must publish its policy in a newspaper if one is published in  
43           the county. In lieu of publishing the policy, the court may:

(i) (A) Send each party a copy of the policy at least 10 days before any hearing is held in a case; or

(ii) (B) Adopt the policy as a local rule.

~~(2)~~ (3) Requests for official court reporter for civil trials and notices to parties

Unless the court's policy states that all courtrooms normally have the services of official court reporters available for civil trials, the court ~~shall~~ must require that each party file a statement before the trial date indicating whether the party requests the presence of an official court reporter. If a party requests the presence of an official court reporter and it appears that none will be available, the clerk ~~shall~~ must notify the party of that fact as soon as possible before the trial. If the services of official court reporters are normally available in all courtrooms, the clerk ~~shall~~ must notify the parties to a civil trial as soon as possible if it appears that those services will not be available.

~~(3)~~ (4) Notice of nonavailability of court reporter for nontrial matters

If the services of an official court reporter will not be available during a hearing on law and motion or other nontrial matters in civil cases, that fact ~~shall~~ must be noted on the court's official calendar.

(c) **Party may procure reporter**

If the services of an official court reporter are not available for a hearing or trial in a civil case, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It is that party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law.

(d) **No additional charge if party arranges for reporter**

If a party arranges and pays for the attendance of a certified shorthand reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties ~~shall~~ may be charged the reporter's attendance fee provided for in Government Code sections 68086(a)(1) or (b)(1).

(e) **Definitions**

As used in this rule and in Government Code section 68086:

- 1 (1) “Civil case” includes all matters other than criminal and juvenile matters.  
2
- 3 (2) “Official reporter” and “official reporting services” both means include an  
4 official court reporter or official reporter as those phrases are used in statutes,  
5 including Code of Civil Procedure sections 269 and 274c and Government  
6 Code section 69941; and includes an official reporter pro tempore as the  
7 phrase is used in Government Code section 69945 and other statutes, whose  
8 fee for attending and reporting proceedings is paid for by the court or the  
9 county, and who attends court sessions as directed by the court, and who was  
10 not employed to report specific causes at the request of a party or parties.  
11 “Official reporter” and “official reporting services” does do not include  
12 official reporters pro tempore employed by the court expressly to report only  
13 criminal, or criminal and juvenile, matters. “Official reporting services”  
14 include electronic recording equipment operated by the court to make the  
15 official verbatim record of proceedings where it is permitted.  
16

17 **Rule 890. Court reporting services in civil cases—municipal and justice courts**  
18

19 **(a) Statutory reference; applicability**  
20

21 ~~This rule is adopted pursuant to Government Code section 68086(b) and shall be~~  
22 ~~applied so as to give effect to that section. It applies to all municipal and justice~~  
23 ~~courts.~~  
24

25 **(b) Notice of availability; parties’ request**  
26

- 27 (1) ~~Each trial court shall adopt and post in the clerk’s office a local policy~~  
28 ~~enumerating the departments in which official reporting services, as defined in~~  
29 ~~this rule, are normally available, and the departments in which official~~  
30 ~~reporting services are not normally available during regular court hours. If~~  
31 ~~official reporting services are normally available in a department only for~~  
32 ~~certain types of matters, those matters shall be identified in the policy.~~  
33

34 ~~The court shall publish its policy in a newspaper if one is published in the county. In lieu~~  
35 ~~of publishing the policy, the court may (i) send each party a copy of the policy at least 10~~  
36 ~~days before any hearing is held in a case, or (ii) adopt the policy as a local rule.~~  
37

- 38 (2) ~~Unless the court’s policy states that all courtrooms normally have official~~  
39 ~~reporting services available for civil trials, the court shall require that each~~  
40 ~~party file a statement before the trial date indicating whether the party requests~~  
41 ~~the presence of official reporting services. If a party requests the presence of~~  
42 ~~official reporting services and it appears that none will be available, the clerk~~  
43 ~~shall notify the party of that fact as soon as possible before the trial. If official~~

1 reporting services are normally available in all courtrooms, the clerk shall  
2 notify the parties to a civil trial as soon as possible if it appears that those  
3 services will not be available.  
4

- 5 (3) If official reporting services will not be available during a hearing on law and  
6 motion or other nontrial matters in civil cases, that fact shall be noted on the  
7 court's official calendar.  
8

9 **(e) Party may procure reporter**  
10

11 If official reporting services are not available for a hearing or trial in a civil case, a  
12 party may arrange for the presence of a certified shorthand reporter to serve as an  
13 official pro tempore reporter. It is that party's responsibility to pay the reporter's fee  
14 for attendance at the proceedings, but the expense may be recoverable as part of the  
15 costs, as provided by law.  
16

17 **(d) No additional charge if party arranges for reporter**  
18

19 If a party arranges and pays for the attendance of a certified shorthand reporter at a  
20 hearing in a civil case because of the unavailability of official reporting services,  
21 none of the parties shall be charged the fee for official reporting services provided  
22 for in Government Code section 68086(b)(1).  
23

24 **(e) Definitions**  
25

26 As used in this rule and in Government Code section 68086:  
27

- 28 (1) "Civil case" includes all matters other than criminal and juvenile matters.  
29

- 30 (2) "Official reporter" and "official reporting services" both include an official  
31 court reporter or official reporter as those phrases are used in statutes,  
32 including Code of Civil Procedure sections 269 and 274c and Government  
33 Code section 69941, and include an official reporter pro tempore as the phrase  
34 is used in Government Code section 69945 and other statutes, whose fee for  
35 attending and reporting proceedings is paid for by the court or the county, and  
36 who attends court sessions as directed by the court, and who was not  
37 employed to report specific causes at the request of a party or parties. "Official  
38 reporter" and "official reporting services" do not include official reporters pro  
39 tempore employed by the court expressly to report only criminal, or criminal  
40 and juvenile, matters.  
41

42 "Official reporting services" also include electronic recording equipment operated by the  
43 court to make the official verbatim record of proceedings.

1  
2 **Rule 2.958.892. Assessing fee for official reporter**

3  
4 The half-day fee to be charged under Government Code section 68086 for the services of  
5 an official reporter must be established by the trial court as follows: for a proceeding or  
6 portion of a proceeding in which a certified shorthand reporter is used, the fee is equal to  
7 the average salary and benefit costs of the reporter, plus indirect costs up to 18 percent of  
8 salary and benefits. For purposes of this rule, the daily salary is determined by dividing  
9 the average annual salary of temporary and full-time reporters by 225 workdays.

10  
11 **Chapter 3. Public Access to Court Proceedings**

12  
13 **Rule 2.970.980. Photographing, recording, and broadcasting in court**

14  
15 **(a) Introduction**

16  
17 The judiciary is responsible for ensuring the fair and equal administration of justice.  
18 The judiciary adjudicates controversies, both civil and criminal, in accordance with  
19 established legal procedures in the calmness and solemnity of the courtroom.  
20 Photographing, recording, and broadcasting of courtroom proceedings may be  
21 permitted as circumscribed in this rule if executed in a manner that ensures that the  
22 fairness and dignity of the proceedings are not adversely affected. This rule does not  
23 create a presumption for or against granting permission to photograph, record, or  
24 broadcast court proceedings.

25  
26 **(b) Definitions**

27  
28 ~~For purposes of this rule,~~ As used in this rule:

- 29  
30 (1) “Media coverage” means any photographing, recording, or broadcasting of  
31 court proceedings by the media using television, radio, photographic, or  
32 recording equipment;.  
33  
34 (2) “Media” or “media agency” means any person or organization engaging in  
35 news gathering or reporting and includes any newspaper, radio or television  
36 station or network, news service, magazine, trade paper, in-house publication,  
37 professional journal, or other news-reporting or news-gathering agency;.  
38  
39 (3) “Court” means the courtroom at issue, the courthouse, and its entrances and  
40 exits;.  
41

- 1 (4) “Judge” means the judicial officer or officers assigned to or presiding at the  
2 proceeding, except as provided in ~~subdivision~~ (e)(1) if no judge has been  
3 assigned.  
4
- 5 (5) “Photographing” means recording a likeness, regardless of the method used,  
6 including by digital or photographic methods. As used in this rule,  
7 photographing does not include drawings or sketchings of the court  
8 proceedings.  
9
- 10 (6) “Recording” means the use of any analog or digital device to aurally or  
11 visually preserve court proceedings. As used in this rule, recording does not  
12 include handwritten notes on the court record, whether by court reporter or by  
13 digital or analog preservation.  
14
- 15 (7) “Broadcasting” means a visual or aural transmission or signal, by any method,  
16 of the court proceedings, including any electronic transmission or transmission  
17 by sound waves.  
18

19 **(c) Photographing, recording, and broadcasting prohibited**  
20

21 Except as provided in this rule, court proceedings may not be photographed,  
22 recorded, or broadcast. This rule does not prohibit courts from photographing or  
23 videotaping sessions for judicial education or publications and is not intended to  
24 apply to closed-circuit television broadcasts solely within the courthouse or between  
25 court facilities if the broadcasts are controlled by the court and court personnel.  
26

27 **(d) Personal recording devices**  
28

29 The judge may permit inconspicuous personal recording devices to be used by  
30 persons in a courtroom to make sound recordings as personal notes of the  
31 proceedings. A person proposing to use a recording device must obtain advance  
32 permission from the judge ~~in advance~~. The recordings must not be used for any  
33 purpose other than as personal notes.  
34

35 **(e) Media coverage**  
36

37 Media coverage may be permitted only on written order of the judge as provided in  
38 this subdivision. The judge in his or her discretion may permit, refuse, limit, or  
39 terminate media coverage. This rule does not otherwise limit or restrict the right of  
40 the media to cover and report court proceedings.  
41

42 **(1) Request for order**  
43

1 The media may request an order on *Media Request to Photograph Record, or*  
2 *Broadcast* (form MC-500). The form must be filed at least five court days  
3 before the portion of the proceeding to be covered unless good cause is shown.  
4 A completed, proposed order on *Order on Media Request to Permit Coverage*  
5 (form MC-510) must be filed with the request. The judge assigned to the  
6 proceeding must rule ~~upon~~ on the request. If no judge has been assigned, the  
7 request will be submitted to the judge supervising the calendar department,  
8 and thereafter be ruled ~~upon~~ on by the judge assigned to the proceeding. The  
9 clerk must promptly notify the parties that a request has been filed.

10  
11 (2) *Hearing on request*  
12

13 The judge may hold a hearing on the request or may rule on the request  
14 without a hearing.  
15

16 (3) *Factors to be considered by the judge*  
17

18 In ruling on the request, the judge is to consider the following factors:  
19

- 20 (A) The importance of maintaining public trust and confidence in the  
21 judicial system;  
22  
23 (B) The importance of promoting public access to the judicial system;  
24  
25 (C) The parties' support of or opposition to the request;  
26  
27 (D) The nature of the case;  
28  
29 (E) The privacy rights of all participants in the proceeding, including  
30 witnesses, jurors, and victims;  
31  
32 (F) The effect on any minor who is a party, prospective witness, victim, or  
33 other participant in the proceeding;  
34  
35 (G) The effect on the parties' ability to select a fair and unbiased jury;  
36  
37 (H) The effect on any ongoing law enforcement activity in the case;  
38  
39 (I) The effect on any unresolved identification issues;  
40  
41 (J) The effect on any subsequent proceedings in the case;  
42



- 1 (K) The effect of coverage on the willingness of witnesses to cooperate,  
2 including the risk that coverage will engender threats to the health or  
3 safety of any witness;  
4  
5 (L) The effect on excluded witnesses who would have access to the  
6 televised testimony of prior witnesses;  
7  
8 (M) The scope of the coverage and whether partial coverage might unfairly  
9 influence or distract the jury;  
10  
11 (N) The difficulty of jury selection if a mistrial is declared;  
12  
13 (O) The security and dignity of the court;  
14  
15 (P) Undue administrative or financial burden to the court or participants;  
16  
17 (Q) The interference with neighboring courtrooms;  
18  
19 (R) Maintaining orderly conduct of the proceeding; and  
20  
21 (S) Any other factor the judge deems relevant.  
22

23 (4) *Order permitting media coverage*  
24

25 The judge ruling on the request to permit media coverage is not required to  
26 make findings or a statement of decision. The order may incorporate any local  
27 rule or order of the presiding or supervising judge regulating media activity  
28 outside of the courtroom. The judge may condition the order permitting media  
29 coverage on the media agency's agreement to pay any increased court-  
30 incurred costs resulting from the permitted media coverage (for example, for  
31 additional court security or utility service). Each media agency is responsible  
32 for ensuring that all its media personnel who cover the court proceeding know  
33 and follow the provisions of the court order and this rule.  
34

35 (5) *Modified order*  
36

37 The order permitting media coverage may be modified or terminated on the  
38 judge's own motion or upon application to the judge without the necessity of a  
39 prior hearing or written findings. Notice of the application and any  
40 modification or termination ordered pursuant to the application must be given  
41 to the parties and each media agency permitted by the previous order to cover  
42 the proceeding.  
43

1 (6) *Prohibited coverage*

2  
3 The judge may not permit media coverage of the following:

- 4  
5 (A) Proceedings held in chambers;  
6  
7 (B) Proceedings closed to the public;  
8  
9 (C) Jury selection;  
10  
11 (D) Jurors or spectators; ~~and~~ or  
12  
13 (E) Conferences between an attorney and a client, witness, or aide, between  
14 attorneys, or between counsel and the judge at the bench.  
15

16 (7) *Equipment and personnel*

17  
18 The judge may require media agencies to demonstrate that proposed personnel  
19 and equipment comply with this rule. The judge may specify the placement of  
20 media personnel and equipment to permit reasonable media coverage without  
21 disruption of the proceedings.  
22

23 (8) *Normal requirements for media coverage of proceedings*

24  
25 Unless the judge in his or her discretion orders otherwise, the following ~~rules~~  
26 requirements shall apply to media coverage of court proceedings:  
27

- 28 (A) One television camera and one still photographer will be permitted.  
29  
30 (B) The equipment used may not produce distracting sound or light.  
31 Signal lights or devices to show when equipment is operating may not  
32 be visible.  
33  
34 (C) An order permitting or requiring modification of existing sound or  
35 lighting systems is deemed to require that the modifications be  
36 installed, maintained, and removed without public expense or  
37 disruption of proceedings.  
38  
39 (D) Microphones and wiring must be unobtrusively located in places  
40 approved by the judge and must be operated by one person.  
41  
42 (E) Operators may not move equipment or enter or leave the courtroom  
43 while the court is in session, or otherwise cause a distraction.

(F) Equipment or clothing must not bear the insignia or marking of a media agency.

~~(8)~~ (9) *Media pooling*

If two or more media agencies of the same type request media coverage of a proceeding, they must file a joint statement of agreed arrangements. If they are unable to agree, the judge may deny media coverage by that type of media agency.

(f) **Sanctions**

Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

**Division 8. Trials**

**Chapter 1. Jury Service**

**Rule 2.1000. Jury service [Reserved]**

**(Reviser's note: Portions of rule 861 below are out-of-date. The rule should be further amended in the near future.)**

**Rule 2.1002, 861. Length of juror service**

(a) **Purpose**

The purpose of this rule is to implement Government Code section 68550, which is intended to make jury service more convenient and alleviate the problem of potential jurors refusing to appear for jury duty by shortening the time a person would be required to serve to one day or one trial. The exemptions ~~afforded~~ authorized by the rule are intended to be of limited scope and duration, and they ~~should~~ must be applied with the goal of achieving full compliance throughout the state as soon as possible.

(b) **Definitions**

As used in this rule:

- 1 (1) "Trial court system" means all the courts of a county.  
2  
3 (2) "One trial" means jury service provided by a citizen after being sworn as a  
4 trial juror.  
5  
6 (3) "One day" means the hours of one normal court working day (the hours a  
7 court is open to the public for business).  
8  
9 (4) "On call" means all same-day notice procedures used to inform prospective  
10 jurors of the time they are to report for jury service.  
11  
12 (5) "Telephone standby" means all previous-day notice procedures used to inform  
13 prospective jurors of their date to report for service.  
14

15 **(c) One-day/one-trial**  
16

17 ~~By January 1, 2000, Each trial court system shall~~ must implement a juror  
18 management program under which a person has fulfilled his or her jury service  
19 obligation when ~~he or she~~ the person has:  
20

- 21 (1) Served on one trial until discharged;  
22  
23 (2) Been assigned on one day to one or more trial departments for jury selection  
24 and served through the completion of jury selection or until excused by the  
25 jury commissioner;  
26  
27 (3) Attended court but was not assigned to a trial department for selection of a  
28 jury before the end of that day;  
29  
30 (4) Served one day on call; or  
31  
32 (5) Served no more than five court days on telephone standby.  
33

34 **(d) Exemption**  
35

- 36 (1) *Good cause*  
37

38 The Judicial Council may grant an exemption from the requirements of this  
39 rule for a specified period of time if the trial court system demonstrates good  
40 cause by establishing that:  
41

1 (A) The cost of implementing a one-day/one-trial system is so high that the  
2 trial court system would be unable to provide essential services to the  
3 public if required to implement such a system; or  
4

5 (B) The requirements of this rule cannot be met because of the size of the  
6 population in the county compared to the number of jury trials.  
7

8 (2) *Application*  
9

10 Any application for exemption from the requirements of this rule must be  
11 submitted to the Judicial Council no later than September 1, 1999. The  
12 application ~~shall~~ must demonstrate good cause for the exemption sought and  
13 ~~shall~~ must include either:  
14

15 (A) A plan to fully comply with this rule by a specified date; or  
16

17 (B) An alternative plan that would advance the purposes of this rule to the  
18 extent possible, given the conditions in the county.  
19

20 (3) *Decision*  
21

22 If the council finds good cause, it may grant an exemption for a limited period  
23 of time and on such conditions as it deems appropriate to further the purposes  
24 of this rule.  
25

26 (e) **Limited on-call exemption**  
27

28 If the jury commissioner determines and demonstrates to the Judicial Council by  
29 September 1, 1999, that limiting on-call service to one day by January 1, 2000,  
30 would seriously impair the trial court system's ability to impanel juries within the  
31 time limits for trial in criminal cases, the court system may require jurors to serve:  
32 ~~(1) Up to three days on call until December 31, 2000; (2) Up to two days on call~~  
33 ~~until December 31, 2001; and (3) no more than one day on call on or after January~~  
34 ~~1, 2002.~~  
35

36 **Rule 2.1004.858. Scheduling accommodations for jurors**  
37

38 (a) **Accommodations for all jurors**  
39

40 The jury commissioner should accommodate a prospective juror's schedule by  
41 granting a prospective juror's request for a one-time deferral of jury service. If the  
42 request for a deferral is made under penalty of perjury in writing or through the  
43 court's established electronic means, and in accordance with the court's local

1 procedure, the jury commissioner should not require the prospective juror to appear  
2 at court to make the request in person.

3  
4 **(b) Scheduling accommodations for peace officers**

5  
6 If a prospective juror is a peace officer, as defined by section 830.5 of the Penal  
7 Code, the jury commissioner must make scheduling accommodations upon  
8 application of the peace officer setting forth the reason a scheduling  
9 accommodation is necessary. The jury commissioner must establish procedures for  
10 the form and timing of the application. If the request for special accommodations is  
11 made under penalty of perjury in writing or through the court's established  
12 electronic means, and in accordance with the court's local procedure, the jury  
13 commissioner must not require the prospective juror to appear at court to make the  
14 request in person.

15  
16 **Rule ~~2.1006.859~~. Deferral of jury service**

17  
18 A mother who is breastfeeding a child may request that jury service be deferred for up to  
19 one year, and may renew that request as long as she is breastfeeding. If the request is  
20 made in writing, under penalty of perjury, the jury commissioner must grant it without  
21 requiring the prospective juror to appear at court.

22  
23 **Rule ~~2.1008.860~~. Granting Excuses from jury service**

24  
25 **(a) Duty of citizenship**

26  
27 Jury service, unless excused by law, is a responsibility of citizenship. The court and  
28 its staff ~~shall~~ must employ all necessary and appropriate means to ensure that  
29 citizens fulfill this important civic responsibility.

30  
31 **(b) Principles**

32  
33 The following principles ~~shall~~ govern the granting of excuses from jury service by  
34 the jury commissioner on grounds of undue hardship under Code of Civil Procedure  
35 section 204:

- 36  
37 (1) No class or category of persons ~~shall~~ may be automatically excluded from jury  
38 duty except as provided by law.  
39  
40 (2) A statutory exemption from jury service ~~shall~~ must be granted only when the  
41 eligible person claims it.  
42

1 (3) Deferring jury service ~~shall be~~ is preferred to excusing a prospective juror for  
2 a temporary or marginal hardship.

3  
4 (4) Inconvenience to a prospective juror or an employer is not an adequate reason  
5 to be excused from jury duty, although it may be considered a ground for  
6 deferral.

7  
8 (c) **Requests to be excused from jury service**

9  
10 All requests to be excused from jury service that are granted for undue hardship  
11 ~~shall~~ must be put in writing by the prospective juror, reduced to writing, or placed  
12 on the court's record. The prospective juror ~~shall~~ must support the request with facts  
13 specifying the hardship and a statement why the circumstances constituting the  
14 undue hardship cannot be avoided by deferring the prospective juror's service.

15  
16 (d) **~~Grounds constituting~~ Reasons for excusing a juror because of undue hardship**

17  
18 An excuse on the ground of undue hardship may be granted for any of the following  
19 reasons:

20  
21 (1) The prospective juror has no reasonably available means of public or private  
22 transportation to the court.

23  
24 (2) The prospective juror must travel an excessive distance. Unless otherwise  
25 established by statute or local rule, an excessive distance is reasonable travel  
26 time that exceeds one-and-one-half hours from the prospective juror's home to  
27 the court.

28  
29 (3) The prospective juror will bear an extreme financial burden. In determining  
30 whether to excuse the prospective juror for this reason, consideration ~~shall~~  
31 must be given to:

32  
33 (i) (A) The sources of the prospective juror's household income;

34  
35 (ii) (B) The availability and extent of income reimbursement;

36  
37 (iii) (C) The expected length of service; and

38  
39 (iv) (D) Whether service can reasonably be expected to compromise that  
40 person's the prospective juror's ability to support himself or herself or  
41 his or her dependents, or so disrupt the economic stability of any  
42 individual as to be against the interests of justice.  
43

- 1 (4) The prospective juror will bear an undue risk of material injury to or  
2 destruction of the prospective juror's property or property entrusted to the  
3 prospective juror, and it is not feasible to make alternative arrangements to  
4 alleviate the risk. In determining whether to excuse the prospective juror for  
5 this reason, consideration ~~shall~~ must be given to:
- 6
- 7 (i) (A) The nature of the property;  
8
- 9 (ii) (B) The source and duration of the risk;  
10
- 11 (iii) (C) The probability that the risk will be realized;  
12
- 13 (iv) (D) The reason alternative arrangements to protect the property cannot be  
14 made; and  
15
- 16 (v) (E) Whether material injury to or destruction of the property will so  
17 disrupt the economic stability of any individual as to be against the  
18 interests of justice.  
19
- 20 (5) The prospective juror has a physical or mental disability or impairment, not  
21 affecting that person's competence to act as a juror, that would expose the  
22 potential juror to undue risk of mental or physical harm. In any individual  
23 case, unless the person is aged 70 years or older, the prospective juror may be  
24 required to furnish verification or a method of verification of the disability or  
25 impairment, its probable duration, and the particular reasons for the person's  
26 inability to serve as a juror.  
27
- 28 (6) The prospective juror's services are immediately needed for the protection of  
29 the public health and safety, and it is not feasible to make alternative  
30 arrangements to relieve the person of those responsibilities during the period  
31 of service as a juror without substantially reducing essential public services.  
32
- 33 (7) The prospective juror has a personal obligation to provide actual and  
34 necessary care to another, including sick, aged, or infirm dependents, or a  
35 child who requires the prospective juror's personal care and attention, and no  
36 comparable substitute care is either available or practical without imposing an  
37 undue economic hardship on the prospective juror or person cared for. If the  
38 request to be excused is based on care provided to a sick, disabled, or infirm  
39 person, the prospective juror may be required to furnish verification or a  
40 method of verification that the person being cared for is in need of regular and  
41 personal care.  
42



1 (e) **Excuse based on ~~Prior~~ previous jury service**

2  
3 A prospective juror who has served on a grand or trial jury or was summoned and  
4 appeared for jury service in any state or federal court during the previous 12 months  
5 ~~shall~~ must be excused from service on request. The jury commissioner, in his or her  
6 discretion, may establish a longer period of repose.  
7

8 **Rule 2.1010.862. Juror motion to set aside sanctions imposed by default**

9  
10 (a) **Motion**

11  
12 A prospective juror against whom sanctions have been imposed by default under  
13 Code of Civil Procedure section 209 may move to set aside the default. The motion  
14 must be brought no later than 60 days after sanctions have been imposed.  
15

16 (b) **Contents of motion**

17  
18 A motion to set aside sanctions imposed by default must contain a short and concise  
19 statement of the reasons the prospective juror was not able to attend when  
20 summoned for jury duty and any supporting documentation.  
21

22 (c) **Judicial Council form may be used**

23  
24 A motion to set aside sanctions imposed by default may be made by completing and  
25 filing Judicial Council form MC-070.  
26

27 (d) **Hearing**

28  
29 A court may decide the motion with or without a hearing.  
30

31 (e) **Good cause required**

32  
33 If the motion demonstrates good cause, a court must set aside sanctions imposed  
34 against a prospective juror.  
35

36 (f) **Continuing obligation to serve**

37  
38 Nothing in this rule relieves a prospective juror of the obligation of jury service.  
39

40 (g) **Notice to juror**

41  
42 The court must provide a copy of this rule to the prospective juror against whom  
43 sanctions have been imposed.

1  
2 **(h) Sunset date**

3  
4 This rule is effective until January 1, 2007.  
5

6 **Chapter 2. Conduct of Trial**  
7

8 **Rule 2.1030.231. Communications from or with jury**  
9

10 **(a) Preservation of written jury communications**  
11

12 The trial judge ~~shall~~ must preserve and deliver to the clerk for inclusion in the  
13 record all written communications, formal or informal, received from the jury or  
14 from individual jurors or sent by the judge to the jury or individual jurors, from the  
15 time the jury is sworn until it is discharged.  
16

17 **(b) Recording of oral jury communications**  
18

19 The trial judge ~~shall~~ must ensure that the reporter, or any electronic recording  
20 system used instead of a reporter, records all oral communications, formal or  
21 informal, received from the jury or from individual jurors or communicated by the  
22 judge to the jury or individual jurors, from the time the jury is sworn until it is  
23 discharged.  
24

25 **Chapter 3. Testimony and Evidence**  
26

27 **Rule 2.1040.243.9. Electronic recordings offered in evidence—~~transcripts~~**  
28

29 **(a) Transcript of electronic recording**  
30

31 Unless otherwise ordered by the trial judge, a party offering into evidence an  
32 electronic sound or sound-and-video recording must tender to the court and to  
33 opposing parties a typewritten transcript of the electronic recording. The transcript  
34 must be marked for identification. A duplicate of the transcript, as defined in  
35 Evidence Code section 260, must be filed by the clerk and must be part of the  
36 clerk's transcript in the event of an appeal. Any other recording transcript provided  
37 to the jury must also be marked for identification, and a duplicate must be filed by  
38 the clerk and made part of the clerk's transcript in the event of an appeal.  
39

40 **(b) Transcription by court reporter not required**  
41

42 Unless otherwise ordered by the trial judge, the court reporter need not take down  
43 or transcribe an electronic recording that is admitted into evidence.

## Chapter 4. Jury Instructions

### **Rule ~~2.1050,855~~. Judicial Council jury instructions**

#### **(a) Purpose**

The California jury instructions approved by the Judicial Council are the official instructions for use in the state of California. The goal of these instructions is to improve the quality of jury decision making by providing standardized instructions that accurately state the law in a way that is understandable to the average juror.

#### **(b) Accuracy**

The Judicial Council endorses these instructions for use and makes every effort to ensure that they accurately state existing law. The articulation and interpretation of California law, however, remains within the purview of the Legislature and the courts of review.

#### **(c) Public access**

The Administrative Office of the Courts must provide copies and updates of the approved jury instructions to the public on the ~~judicial branch's~~ California Courts Web site. The Administrative Office of the Courts may contract with an official publisher to publish the instructions in both paper and electronic formats. The Judicial Council intends that the instructions be freely available for use and reproduction by parties, attorneys, and the public, except as limited by this subdivision. The Administrative Office of the Courts may take steps necessary to ensure that publication of the instructions by commercial publishers does not occur without its permission, including, without limitation, ensuring that commercial publishers accurately publish the Judicial Council's instructions, accurately credit the Judicial Council as the source of the instructions, and do not claim copyright of the instructions. The Administrative Office of the Courts may require commercial publishers to pay fees or royalties in exchange for permission to publish the instructions. As used in this rule, "commercial publishers" means entities that publish works for sale, whether for profit or otherwise.

#### **(d) Updating and amendments**

The Judicial Council instructions will be regularly updated and maintained through its advisory committees on jury instructions. Amendments to these instructions will be circulated for public comment before publication. Trial judges and attorneys may submit for the advisory committee's consideration suggestions for improving or

1 modifying these instructions or creating new instructions, with an explanation of  
2 why the change is proposed. Suggestions should be sent to the Administrative  
3 Office of the Courts, Office of the General Counsel.  
4

5 **(e) Use of instructions**  
6

7 Use of the Judicial Council instructions is strongly encouraged. If the latest edition  
8 of the civil jury instructions approved by the Judicial Council contains an  
9 instruction applicable to a case and the trial judge determines that the jury should be  
10 instructed on the subject, it is recommended that the judge use the Judicial Council  
11 instruction unless he or she finds that a different instruction would more accurately  
12 state the law and be understood by jurors. Whenever the latest edition of the  
13 Judicial Council civil jury instructions does not contain an instruction on a subject  
14 on which the trial judge determines that the jury should be instructed, or when a  
15 Judicial Council instruction cannot be modified to submit the issue properly, the  
16 instruction given on that subject should be accurate, brief, understandable,  
17 impartial, and free from argument.  
18

19 **Rule 2.1055.229. Proposed jury instructions**  
20

21 **(a) Application**  
22

23 (1) This rule applies to proposed jury instructions that a party submits to the court,  
24 including:  
25

26 (A) “Approved jury instructions,” meaning jury instructions approved by the  
27 Judicial Council of California; and  
28

29 (B) “Special jury instructions,” meaning instructions from other sources,  
30 those specially prepared by the party, or approved instructions that have  
31 been substantially modified by the party.  
32

33 (2) This rule does not apply to the form or format of the instructions presented to  
34 the jury, which is a matter left to the discretion of the court.  
35

36 **(b) Form and format of proposed instructions**  
37

38 (1) All proposed instructions must be submitted to the court in the form and  
39 format prescribed for papers in ~~rule 204~~ the rules in division 2 of this title.  
40

41 (2) Each set of proposed jury instructions must have a cover page, containing the  
42 caption of the case and stating the name of the party proposing the  
43 instructions, and an index listing all the proposed instructions.

1  
2 (3) In the index, approved jury instructions must be identified by their reference  
3 numbers and special jury instructions must be numbered consecutively. The  
4 index must contain a checklist that the court may use to indicate whether the  
5 instruction was:

6  
7 (A) Given as proposed;

8  
9 (B) Given as modified;

10  
11 (C) Refused; or

12  
13 (D) Withdrawn.

14  
15 (4) Each set of proposed jury instructions must be bound loosely.

16  
17 **(c) Format of each proposed instruction**

18  
19 Each proposed instruction must:

20  
21 (1) Be on a separate page or pages;

22  
23 (2) Include the instruction number and title of the instruction at the top of the first  
24 page of the instruction; and

25  
26 (3) Be prepared without any blank lines or unused bracketed portions, so that it  
27 can be read directly to the jury.

28  
29 **(d) Citation of authorities**

30  
31 For each special instruction, a citation of authorities that support the instruction  
32 must be included at the bottom of the page. No citation is required for approved  
33 instructions.

34  
35 **(e) Form and format are exclusive**

36  
37 No local court form or rule for the filing or submission of proposed jury instructions  
38 may require that the instructions be submitted in any manner other than as  
39 prescribed by this rule.

40  
41 **Advisory Committee Comment**  
42

1 This rule does not preclude a judge from requiring the parties in an individual case to transmit the jury  
2 instructions to the court electronically.

3  
4 **Rule 2.1058.989. Use of gender-neutral language in jury instructions**

5  
6 **(a) Local rules, forms, documents**

7  
8 ~~Each court shall use gender neutral language in all new local rules, forms, and~~  
9 ~~documents and shall review and revise those now in use to ensure that they are~~  
10 ~~written in gender neutral language.~~

11  
12 **(b) Jury instructions**

13  
14 All instructions submitted to the jury ~~shall~~ must be written in gender-neutral language. If  
15 standard jury instructions (~~CALJC~~ CALCRIM and ~~BAJI~~ CACI) are to be submitted to  
16 the jury, the court or, at the court's request, counsel ~~shall~~ must recast the instructions as  
17 necessary to ensure that gender-neutral language is used in each instruction. ~~Effective~~  
18 ~~January 1, 1992, all standard jury instructions (CALJC and BAJI) shall be written in~~  
19 ~~gender neutral language.~~

20  
21 **(Reviser's note: Subdivision (a) would be relocated to Title 6; and, in light of recent**  
22 **developments concerning standard jury instructions, the remainder of this rule**  
23 **probably should be amended soon.)**

24  
25 **Division 9. Judgments**

26  
27 **Rule 2.1100.826. Notice when statute or regulation declared unconstitutional**

28  
29 Within 10 days after a court has entered judgment in a contested action or special  
30 proceeding in which the court has declared unconstitutional a state statute or regulation,  
31 the prevailing party, or as otherwise ordered by the court, ~~shall~~ must mail a copy of the  
32 judgment and a notice of entry of judgment to the Attorney General and file a proof of  
33 service with the court.

34  
35 **(Other repealed rule in current title 2):**

36  
37 **Rule 830. Trial settings**

38  
39 ~~The judge or judges of a municipal or justice court may authorize the clerk to set a case~~  
40 ~~for arraignment and trial on the same date at the request of a defendant released upon his~~  
41 ~~written promise to appear. The clerk shall notify the defendant of the time and date set.~~  
42

1   **(Reviser's note: This rule is obsolete based on trial court unification and the recent**  
2   **amendments to the case management rules in Title 3.)**  
3